

services and in 1996 the Criminal Division awarded the same contractor a second contract for computer support services. The contractor provided employees to work in Criminal Division's correspondence units performing tasks such as reading and responding to correspondence. This work was outside the scope of the first contract, which only authorized computer support services. The contractor also provided employees who worked as writers, planned conferences, published reports, and organized parties. The services of these personnel were outside the scope of both contracts.

We also found that Criminal Division managers failed to adequately supervise the contract and the contractor charged the government for the services of personnel who were unqualified under the terms of the contract. The contract set out very specific labor categories, such as Senior Programmer Analyst, and set forth the tasks to be accomplished and the qualifications for each labor category. We found problems with 25 of 56 of the contractor's personnel under the first contract and problems with 19 of 54 of the contractor's personnel under the second contract. We concluded that the minimum the contractor overcharged the government was \$1,164,702.01.

The OIG received an allegation that ICITAP had spent substantial sums of money on an automated management information system (IMIS) that did not function properly. Our investigation showed that the development of IMIS was difficult, that users were unhappy with the product, and that a system designed to replace IMIS could not be completed by the contractor. We concluded that managers did not adequately analyze ICITAP's needs in the initial stages of development, and consequently IMIS was constantly being upgraded and modified leading to new problems. Also, the decision to use floppy disks to transfer information from the field to headquarters rather than develop a network capacity that could be utilized by all users led to significant problems, such as that the data from floppy disks was often out of date or could not be accessed once it was received at headquarters. IMIS and the attempt to develop the replacement system ultimately cost more than one million dollars. We did not investigate to determine how much money might have been saved had IMIS been better planned.

ICITAP's lack of planning also led to a substantial cost overrun of the translation budget for the first ILEA conference. A hypothetical transnational crime and the statutes of various countries were translated for the conference. The budget for translations was \$16,000; the ultimate cost was \$128,258. Lake delegated much of the responsibility for coordinating the ILEA conference to his assistant, who worked for a contractor. Lake's assistant ordered large amounts of material to be translated on an expedited basis without adequately determining the cost of the translations. The assistant failed to research whether some of the material was already translated and ordered some of the material on a costly expedited basis when it was unnecessary to do so. We concluded that Lake delegated responsibility to someone who was not qualified to manage the task and then failed to adequately supervise her.

We examined whether ICITAP could account for the goods it ordered for use in Haiti by selecting 131 expensive items to track. The investigation showed that the contractor responsible for providing goods and services to ICITAP in Haiti had in place an effective inventory control system and that ICITAP could account for all but one of the selected items.

I. Miscellaneous allegations

In this chapter we summarize the results of our investigation of additional allegations, most of which we did not substantiate.

We found that Bratt directed that Criminal Division excess computers be sent to a school associated with a girlfriend, and Deputy Executive Officer Sandra Bright initiated and pursued the donation of computers to a school associated with her husband. In 1996 Bratt directed that 35 computers be sent to an elementary school in Virginia where his then girlfriend was employed as a teacher. On one occasion in 1996 Bright directed that 25 computers be sent to the school district in Virginia where her husband was employed as a principal and on another occasion in 1996 Bright directed that 30 computers be sent to the school at which her husband was employed. We concluded that Bratt's and Bright's actions created the appearance of favoritism.

We did not substantiate an allegation that Robert Lockwood was awarded an OPDAT grant because of his alleged association with Attorney General Janet Reno. The American-Israeli Russian Committee that Lockwood directed received a \$17,000 grant from OPDAT in 1997. At the time, Lockwood was the Clerk of Courts of Broward County, Florida, and was acquainted with the Attorney General, although not closely so. We determined that the Attorney General received a phone call from Lockwood in 1997 but that they only discussed Lockwood's organization and its mission; he did not seek any funding from her. Lockwood became involved with OPDAT through the OPDAT Resident Legal Advisor in Moscow. We did not find evidence that the Attorney General encouraged anyone to award a grant to Lockwood's Committee or that she knew that an award had been made. We also did not find any evidence that the Attorney General or anyone from her office took any action after Lockwood's grant was not renewed the following year.

The remainder of the chapter discusses allegations that we failed to substantiate concerning personnel issues, financial matters, allegations of retaliation, and other issues.

III. RECOMMENDATIONS AND CONCLUSIONS

In this chapter of the report, we offer a series of recommendations to the Department, including that certain employees receive discipline and that the Department seek compensation from employees who improperly received money or benefits from the Department. We also made nine recommendations concerning systemic improvements in the areas of travel, ethics, and training.

Bratt retired from the Department effective August 1, 2000, and is not subject to discipline. We recommended that the Department recover the costs of his improper use of business class travel and his improper use of frequent flyer miles.

Lake is also not employed by the Department any longer and is not subject to discipline. We recommended that the Department recover the \$25,000 Buyout bonus and the cost of travel expenses that Lake improperly charged the government, including costs associated with the November 1996 trip to Moscow.

We found that Stromsem violated security regulations, improperly used frequent flyer miles accrued on government travel for personal benefit, and was involved in the preselection of Hogarty in violation of personnel regulations. We concluded that Stromsem's conduct warrants the imposition of discipline. We also recommended that the Department recover the costs of Stromsem's improper use of frequent flyer miles.

We found that Hoover violated security regulations by disclosing classified information to uncleared parties and by removing classified documents to his home. We also found that he improperly traveled on business class on a flight to Moscow in January 1997 and that he improperly used frequent flyer miles accrued on government travel for his personal benefit. We concluded that Hoover's conduct warrants the imposition of dis-

cipline. We also recommended that the Department recover the costs of Hoover's improper use of business class travel and frequent flyer miles.

We concluded that Trincellito's repeated failure to observe fundamental security practices and his continued resistance to the advice and warnings of ICITAP's security officers warrants the imposition of discipline.

We also recommended that SEPS and other agencies responsible for issuing security clearances carefully consider the findings and conclusions set forth in this report before issuing a security clearance to the individuals most involved in the security breaches. In addition, we made non-disciplinary recommendations with respect to two other individuals.

During the course of the investigation, we observed various systemic issues, and we suggested improvements for the Department to consider relating to oversight of ICITAP and OPDAT, security, investigative follow-up, travel, training, performance evaluations, and early retirement programs. For example, we recommended that the Department monitor ICITAP's compliance with security regulations by continuing to perform periodic unannounced security reviews.

Because many of the travel violations that we found were apparent on the face of the travel forms, we recommended that the Department review the process JMD uses to audit travel vouchers. We believe the Department should offer increased training on travel regulations to employees and secretarial or clerical staff who process travel-related paperwork. And we offered suggestions designed to increase Department employees' use of frequent flyer miles for government travel and to decrease the incidents of improper use.

We recommended that increased attention be given to the recommendations and lessons learned from investigations. We found that despite numerous investigations of ICITAP, the same problems continued to surface and that managers failed to act on investigative recommendations. Management must take increased responsibility for ensuring that the results of investigations are appropriately considered and addressed.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4125

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may I ask the situation on the time limitation on this amendment?

The PRESIDING OFFICER. There is no time limitation.

Mr. HELMS. Mr. President, around this place I have learned, in 28 years, that you are fortunate in many instances to be able to work with people with whom you have not earlier worked, and you learn of their interest and their dedication. Such is the case with the distinguished Senator from Minnesota, Mr. WELLSTONE, with whom I have worked in the preparation of this amendment. He is a principal cosponsor of it.

The pending amendment, simply said, directs the President to certify that China has met a series of human rights conditions prior to granting PNTR to Communist China. The conditions set forth in this amendment are

straightforward. The President would be required to certify formally and officially that China has, among other items:

No. 1, dismantled its system of reeducation through labor;

No. 2, has opened up all areas of China for U.N. human rights agencies;

No. 3, has accounted for and released political and religious prisoners; and,

No. 4, has provided human rights groups with unhindered access to religious leaders.

So what this amendment really does is to remind Communist China, and all the rest of the world, that we Americans stand for something—something other than for profits, for example. In this case, what this amendment makes clear is that we believe China should not be welcomed into international organizations such as the WTO just so long as the Chinese Government continues to repress, to jail, to murder, to torture, its own citizens for their having opposed the Beijing dictatorship.

It seems to me, to fail to take this stand would be a double whammy against even the possibility of freedom for the people of China. First, the Senate will be sending a signal to Beijing that the Government of the United States will turn a blind eye to Communist China's grave abuses against humanity if this amendment is not approved, if only China will just let U.S. businesses make a profit in dealing with China.

Second, it will send a message to those miserable souls who languish in China's gulags that the United States is willing to ignore their misery just so some in America can profit from it. If we do not send the signal that this amendment proposes to send, that will happen.

I realize the WTO is not, itself, a paragon of virtue, let alone a democracy, given the membership already held by thuggish regimes such as Cuba and Burma and a host of African dictatorships. But that does not justify further sully the WTO by adding Communist China to its membership. Rather, it is a reminder of the absurd notion that this so-called rules-based WTO will somehow help transform China into a democracy.

As does Cuba and Burma, the Chinese Government continues to have one of the worst human rights records in the world, despite two decades, 20 years of having received so-called most-favored-nation status from the U.S. Government. The findings in the pending amendment, mostly verbatim quotes from the U.S. State Department's own annual reports, provide a sketch of the disgraceful conduct, the disgraceful situation in China. For example, this is a quote from the U.S. State Department's 1999 human rights report shown on this chart. The chart shows:

The Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent.

Note two key words in that passage, "deteriorated" and "intensified," because these words describe a trend, a trend for the worse as reported by the U.S. State Department. That is not JESSE HELMS talking. That is the State Department's official report to this Senate.

I doubt that even the most enthusiastic supporter of Communist China's admission to the WTO will claim that China's human rights record is good. I don't know how they could do it, but some will do it. But year after year, we have become accustomed to hearing that China's human rights record is improving, don't you see. The trouble is, the State Department's own report, as I have indicated, emphasizes over and over again that this simply is not true and never has been true.

Consider, if you will, this passage from the U.S. State Department, reproduced on this chart:

Abuses by Chinese authorities included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detentions, and denial of due process.

That is in the U.S. State Department's annual report, delivered to the Senate Foreign Relations Committee of which I am chairman.

What is that report, when you get down to the nitty-gritty? The official report of our State Department, which advocates giving away the store to Communist China, is telling the truth on one hand and asks to reward China on the other.

Are we to dismiss China's vicious crackdown on the Falun Gong movement? The bloody numbers are staggering: More than 35,000 people detained, more than 5,000 people sentenced without trial, and more than 300 put on makeshift trials and sentenced to prison terms of up to 18 years.

I have some photographs I want the Chair to see. The first one is how the Chinese Government treats its own people whose worst offense has been their daring to meditate in public, to sit alone and think.

At least 37 of these people died of mistreatment while they were in custody. According to human rights groups, one Falun Gong practitioner who had been confined in a psychiatric hospital by the Chinese Government died of heart failure 2 weeks after being forcibly injected with nerve agents. Another died after being force-fed by authorities. These reports are reminiscent of those worst days long ago in the Soviet Union and in Germany under Adolf Hitler.

But there is more. The merciless extinction of Tibet continues. In this past year, China has perpetuated its so-called reeducation campaign aimed, in fact, at destroying Tibetan culture, border patrols have been tightened, and the arrests of Tibetans have increased greatly.

There is a fine lady named Dr. Elizabeth Napper who works with escaped

Tibetan nuns in India. She testified before the Foreign Relations Committee that if a nun peacefully demonstrates saying, for example, "Free Tibet," she is immediately arrested and taken into custody for saying, "Free Tibet."

Basing her testimony on accounts by victims of China's cruelty, Dr. Napper added:

The beatings start in the vehicle on the way to the police station and continue through an interrogation that can take place over several days. Various instruments of torture are routinely used, such as electric cattle prods inserted in the orifices of the body and electric shocks that knock a person across the room.

These victims, mind you, are nuns. They are defenseless women.

The Chinese Government refuses even to talk with the Dalai Lama. Why should they? Nobody in the U.S. Government ever does anything tangible to help the Dalai Lama. Some of us who know him and are his friends do our best to help him. I have taken him to North Carolina to meet with a group there, specifically to Wingate University. It was announced he was coming, and there was standing room only on the campus of that university. People came from everywhere just to see him. They did not have a chance to meet him; they just had a chance to see him.

Permanent normal trade relations with China is not merely a routine foreign policy matter. As chairman of the Foreign Relations Committee, I have never viewed it as such. The future direction of Chinese foreign policy will depend upon whether the rulers of China agree to democratize its Government and begin to treat its own citizens with some respect, which they are not doing now.

It will be a tragic mistake to pass this legislation now precisely at the time the Chinese Government has succeeded in almost emasculating all opposition to its tyrannical rule.

Without requiring some kind of improvement in China's terrible human rights situation before bringing China into the WTO and granting China permanent normal trade relations will be welcoming China into the club of supposedly civilized nations. It seems to me this would throw away the most effective leverage we could ever have with China and would deal a terribly severe blow to the millions of Chinese people who oppose their regime and are totally incapable by circumstances of doing anything to improve it.

Question, Mr. President: Would that not be profoundly immoral on the part of the Senate in consideration of this measure? I know the words have been passed: Don't let any amendment be adopted; don't let any amendment be approved; don't let anything happen to derail or to delay the enactment of this piece of legislation.

The answer is, yes, it would be immoral; it is going to be immoral. I do not hold my distinguished colleagues accountable on this, but I think it is a strategic mistake on their part, a mistake of historic proportions, that the

American people will one of these days profoundly regret the move the Senate is about to take.

Mr. President, this unanimous consent request has been approved on both sides. I therefore ask unanimous consent that prior to a vote on or in relation to the Helms amendment No. 4125, there be 90 minutes of debate on the amendment, with 60 minutes for the proponents and 30 minutes for the opponents, with no second-degree amendment in order, and that the vote occur by 3:30 p.m. or at a time to be determined by the two leaders. I further ask unanimous consent that the time consumed thus far on the amendment be deducted from the above limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I see other colleagues on the floor. I shall not take up all of our time. I am certainly interested in what the Senator from Wyoming and the Senator from New York have to say in this debate.

First, I thank my colleague, Senator HELMS from North Carolina, for offering this amendment. Also, there are probably not too many times I can remember over my 9½ years in the Senate that I have been a cosponsor of a Helms amendment, but I am very proud to support this amendment and to speak, debate, and advocate with him on this question.

I say to my colleague from North Carolina and other Senators as well, I want to guard against appearing to be self-righteous about this, but I feel strongly about the question before us. I feel strongly about this amendment which says that China ought to abide by basic human rights standards. We ought to insist on that before we automatically extend normal trade relations with China, before we give up our right to annually review normal trade relations with China.

Before I speak in giving this some context and talking about why, let me, one more time—I have heard some discussion on the floor and also seen in the press discussion about this debate—try to correct the record.

No one is arguing that we should now have an embargo on trade with China. Nobody is arguing for a boycott. Nobody is saying that we should not have trade with China. We do; we will. It is a record trade deficit, as a matter of fact. That is not the issue. Nobody is arguing that we should have no economic ties with China at all. We do; we will.

The question is whether or not we give up our annual right to review trade relations with China, which is what little leverage we have as a nation, as a country, to speak up about the violations of human rights, to speak up for religious freedom in China. That is the question before us.

I have always been intensely interested in human rights questions, whether it is as to China or whether it is as to any other country. I am sorry to say on the floor of the Senate that there are some 70 governments in the world today that are engaged in the systematic torture of their citizens.

I think it is important for the Senate, I think it is important for our Government, I think it is important for the American people, to speak up about these kinds of basic violations of people's human rights.

I say it for two reasons. First of all, I come from a family where my father was born in the Ukraine; then lived in the Far East; then lived in China before coming to the United States of America at age 17 in 1914, 3 years before the revolution in Russia. He thought he could go back, and then the Bolsheviks took over. His parents told him: Don't go back. And all his family, from all I can gather, were probably murdered by Stalin. All contact was broken off. No longer did my father receive any letters from his family. He never saw them again.

I say to my colleague from North Carolina—I am getting a little personal before getting into the arguments—at the end of my dad's life we were trying to take care of him so we would go over and spend the night with him. He had lived in this country for, oh, almost 70 years. He spoke fluent English. I don't know that I detected even any accent. But it was amazing; all of his dreams—they were nightmares; there was shouting and screaming—were in Russian. None of it was in English. He lived in this country all of those years; I only heard him speak English—talk about the child being father of man or mother of woman—and I think that is what happens when you are separated from your family at such a young age; your family is probably murdered. You never can go back to see them. You can never see your family again.

I believe strongly in human rights. I thank the Senator from North Carolina for his leadership on this question.

Then I had a chance to meet Wei Jingsheng. I say to my colleague, you know Wei very well. Here is a man who spent, I think, about 17 years in prison, several years in solitary confinement. What was the crime that he committed? The crime he committed was to continue to write and speak out for democracy and freedom in his country. That was the crime he committed.

I say to my colleagues that I really believe the rush for the money and the focus on the money to be made by our trade policy with China within the new global economics that we talk about—this kind of rush for money, this focus on commercial ties on the money to be made has trumped our concerns about human rights, trumped our concerns, whether it is a Buddhist or a Christian or a Jew, you name it—it makes no difference—about whether people can even practice their religion without winding up in prison, trumped our con-

cerns about whether or not we have a relationship with a country that has broken the 1992 and 1994 agreements where they said they would not export products to our country made by prison labor in the so-called reeducation labor camps, trumped our concerns about all of the women and men who were imprisoned because of the practice of their religion or because they spoke out for democracy, trumped our concerns about women and men who tried to improve their working conditions and found themselves serving 3 years, 8 years, 14 years, 15 years, trumped our concerns about a country that has more prison labor camps—it is like the equivalent of the gulags in Russia, in the former Soviet Union. And we do not want to speak out on this?

We don't want to at least say: wait a minute, we reserve our right, when it comes to normal trade relations, to insist that you live up to just basic standards of decency? We reserve our right to speak up for human rights. We reserve our right to speak up for religious freedom. We reserve our right to speak up against products that are exported to our country made by prison labor. We reserve our right to speak up for the right of people in China—and people all over the world—to bargain collectively to try to improve their standard of living. We do not want to consider any of that? We do not consider any of that?

I think we diminish ourselves, I say to Senator HELMS, when we do not support the kind of amendment the Senator has brought to the floor. I say to my colleagues, I hope there will be strong support for this amendment.

I have heard a number of Senators—all of whom I like, all of whom I like a lot—who have said, first of all: We cannot isolate ourselves.

We are not isolating ourselves. All we are saying is, don't we want to at least keep our leverage, so that we continue to have what little leverage we have to annually review our trade relations to make sure China lives up to the trade agreements, lives up to the human rights standards?

Then the other argument is: We have had all this trade with China, and it is so important, that, actually, when you automatically have trade relations with China, you promote human rights. I have heard that said at least 10, 15 times. But I say to Senators, where is your evidence?

I will tell you, if you look at the State Department reports of this year and last year, they talk about an absolutely brutal atmosphere in China. Your evidence certainly is not our own State Department report about human rights. Is your evidence the commission that we appointed, the Commission on International Religious Freedom, chaired by Rabbi Saperstein? They said, on the basis of their careful examination, we should not automatically renew trade relations with China because of the brutality, the denial to

people of their right to practice their religion.

I say to Senators, where is your evidence that we have had this trade with China and it has led to more freedom and less violation of human rights? Where is your evidence for that? You do not have any evidence. I have not heard one Senator come out here with any evidence.

My evidence, on behalf of this amendment, is that according to the State Department—this is last year's report—

The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. Abuses included instances of extrajudicial killings, torture, mistreatment of prisoners, and denial of due process.

That is the evidence.

Hundreds of thousands of people languish in jails and prison camps merely because, I say to my colleague from North Carolina, they dare to practice their Christian, Buddhist, or Islamic faith. Respected international human rights organizations have documented hundreds of thousands of cases—hundreds of thousands of cases—of arbitrary imprisonment, torture, house arrest, or death at the hands of the Government.

That is the record. I welcome any Senator to come out here and present other evidence to the contrary.

In recent months, we have witnessed—and I heard my colleague from North Carolina talk about this—a brutal crackdown against the Falun Gong, a harmless Buddhist sect. According to international news media reports, at least 50,000 Falun Gong practitioners have been arrested and detained, more than 5,000 have been sentenced to labor camps without trial, and over 500 have received prison sentences in show trials. Detainees are often tortured, and at least 33 practitioners of this religion have died in Government custody. Senators, we are silent about this.

Chinese courts recently sentenced three leading members of the Chinese Democracy Party, an open opposition party. That is what we believe in. We believe in our country people should have the right to join parties. They should have a right to speak out. They should have the right to run for office, and they certainly should not wind up in prison. Three leading members of the Chinese Democracy Party, an open opposition party, were sentenced to terms of 11, 12, and 13 years. Their crime was "for conspiring to subvert state power."

Charges against these three political activists included helping to organize the party, receiving funds from abroad, promoting independent trade unions, using e-mail to distribute materials abroad, and giving interviews to foreign reporters. That is their crime. They have been tried in closed trials with no procedural safeguards. The Government has crushed the party by

doling out huge prison sentences to any man or woman who should dare to form their own political party.

I would think if there was any example that would resonate with every single Senator here, regardless of party, it would be this.

My colleague from North Carolina already talked about Ms. Kadeer's case. I will not go over that.

I will just say to Senators, I hope that on this amendment we will get your support. With all due respect, I hope that you do not make the following argument because I don't think it works. I hope you do not make the argument: No, I am going to turn my gaze away from all of these human rights abuses. I am going to turn my gaze away from supporting religious freedom. I am going to turn my gaze away from this record of brutality. I am going to turn my gaze away from the extrajudicial killings and torture. I am going to turn my gaze away from human rights because if an amendment passes, this will go to conference committee.

We have conference committees all the time. That is the way we operate. That is our legislative process. We have a conference committee and then it reports back.

With all the support for this overall bill, the conference committee would meet, the bill would come back, and then we would have a vote. But to say to people in our States, we couldn't vote for what was right, we couldn't vote for this amendment which was all about human rights, which is what our country is about, because, you see, it might go to conference committee and we have to have a bill with the exact same language between the House and the Senate, people will look at you and say: Senator, just vote for what is right.

I say to my colleagues, vote for what is right. Vote for this amendment.

THE PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, noting the presence of the distinguished managers of the bill, I ask for the yeas and nays on the amendment.

THE PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

THE PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to speak briefly to the important issues my friend, the Senator from North Carolina, has raised and to suggest that we have the necessary international agreements already in place to address the more fundamental issues with which he is concerned, as is my friend from Minnesota.

It happens I have spent a fair amount of my early years as a student of the International Labor Organization which was created as part of the Versailles Peace Treaty of 1918. Samuel Gompers of the AFL-CIO was chairman

of the commission in Paris that put it together. A very major matter in the mind of President Wilson as he campaigned for the treaty, he talked about the ILO as much as any other thing.

The first international labor conference met here in Washington, just down Constitution Avenue at the building of the Organization of American States. It was a dramatic time.

President Wilson had been struck down by a stroke. The Congress, the Senate was tied up with the question of ratifying the treaty. But the treaty provided that this meeting should take place in Washington, and it did. It did so with great success. International labor standards were set forth, and China was one of the nations present at the international labor conference. The person who provided most of the facilities for it was the young Assistant Secretary of the Navy, a man named Franklin D. Roosevelt, who later became involved. One of the first things he did when he became President was move to join the ILO.

Now, over the years the United States has been an active member of the ILO. We had the Secretary General at one point, Mr. Morris, a former Under Secretary of Labor.

We have not ratified many conventions. I have come to the floor at least four times in the last 24 years and moved a convention. Once it was done by our revered Claiborne Pell, who then turned the matter over to me. We think of there being eight core conventions. The simple fact is that the United States has only ratified one of them, in a membership that goes back to 1934.

However, it is not necessarily the case that if you have ratified a lot of conventions, you are very much in compliance with the principles there involved. I once suggested, not entirely facetiously, that there was an inverse relationship between the number of ILO labor conventions that had been signed by a country and the actual condition of labor relations in that country. But no matter.

In 1998, at the 86th session of the International Labor Organization, the oldest international organization in the world of this nature—the postal union is the oldest—adopted an ILO declaration on fundamental principles and rights at work and its followup. I will read this provision:

The international labor conference declares that all members, even if they have not ratified the conventions in question, have an obligation, arising from the very fact of membership in the organization, to respect, to promote, and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely: (a), freedom of association and the effective recognition of the right of collective bargaining; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and

(d) the elimination of discrimination in respect of employment and occupation.

These are international obligations. They obligate the People's Republic of China, and they obligate the United States. The provision for bringing the issues to the International Labor Conference which meets every year in June in Geneva are well established.

I find it very curious, almost at times sinister, that just at the point the ILO has said these are the world's standards, international standards, binding legal commitments, and here we are to do something with them, suddenly people are saying, no, these matters should be dealt with in the World Trade Organization, which can't deal with them.

It is interesting that the WTO now occupies the original buildings on Lake Lemman in Geneva of the ILO. But why not stay with the ILO and work with this history and hold China to its commitment as China can hold us? It is something we have believed in and worked with from 1918 on.

The issue of trade and its effect on the internal behavior of government is an elusive one. But, if I may say, I was in China during the regime of Mao Zedong. I stood there in Tiananmen Square and looked up at these two enormous flagpoles. On one pole were two 19th century German gentlemen, Mr. Marx and Mr. Engels. What they were doing in the center of the Middle Kingdom, I don't know. Over on the next pole was the rather Mongol-looking Stalin, and Mao.

That is gone.

At one of the entrances to the Forbidden City there is a sort of smallish portrait of Mao. That is all. That world is behind us. The world is looking forward from the 1960s.

The Cultural Revolution, which Mao declared because there had always been revolutions, may have resulted—I don't think anybody knows, and I don't think we will ever know—in somewhere between 20 million and 40 million persons murdered, starved, dead. It is beyond our reach of our imagination. It happened. That doesn't happen anymore. Do disagreeable things happen? Do illegal things happen? Do bad things happen? Yes. But a certain sense of proportion, I thought, that was very much in evidence in testimony that our revered chairman will perhaps recall, I am sure he will.

Before the Finance Committee on March 23 of this year, Professor Merle Goldman, who is at the Fairbank Center at Harvard University—a name for a great Chinese scholar and very fine group of people—said:

... the linkage of economic sanctions to human rights is counter-productive. As Wang Juntao [a Tiananmen Square coordinator who was sentenced to 13 years of prison] says, it arouses the antagonism of ordinary Chinese people toward the U.S. and fuels increasing nationalism in China, which ultimately hurts the cause of human rights in China. Even when the threat of economic sanctions in the past led to China's release of a small number of famous political pris-

oners, it did not in anyway [sic] change or end the Chinese government's abuse of human rights.

Nevertheless, China's views on human rights have been changing ever so slowly in the post Mao Zedong era primarily because of China's move to the market and participation in the international community. During the Mao era (1949–1976) when China was isolated from the rest of the world, China's government did not care about human rights and international pressure. But as China opened up to the outside world politically as well as economically during the Deng Xiaoping period (1978–1997) and during that of his successor Jiang Zemin (1989–), China began to care about how it was viewed. It wants to be considered a respected, responsible member of the world community. . . .

Human rights abuses continue and in fact, increased in 1999, but compared with the Mao era when millions were imprisoned and silenced, the numbers in the post-Mao era are in the thousands.

That was from Professor Merle Goldman.

I say in conclusion of these small remarks that the head of the Chinese Government, Jiang Zemin, last week was in New York City talking to a luncheon of business executives. That is a world that would have been inconceivable when I visited George Bush in Peking, as it then was in 1975. A quarter century has gone by, and there is the President of China in a blue suit and a white shirt with the correct tie at the Waldorf Astoria or somewhere talking to a luncheon of businessmen interested in trade and development and such matters. That is another world. Let's not put that in jeopardy by losing this extraordinary important trading agreement.

Mr. President, I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The proponents have 29½ minutes.

Mr. WELLSTONE. I will take a couple of minutes to respond.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First of all, let me say to the Senator from New York that there is a bit of irony in his remarks because I had intended in this debate to also quote the Declaration of Fundamental Principles and Rights of the ILO which states:

All members, even if they have not ratified the convention in question, have an obligation arising from the very fact of membership in the International Labor Organization to respect, promote, and to realize in good faith, in accordance with the ILO Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely freedom of association and effective recognition of the right to collective bargaining.

I could not agree more with my colleague from New York. It is very relevant language.

Here is the problem: the ILO has no enforcement problem.

Here is the problem: China has belonged to the ILO since 1918. How much

longer are we supposed to wait for the Chinese Government to live up to this? This has been a pretty long time now.

My colleague raises a very fair question. Why is this amendment necessary? Given this declaration of principles, and given the establishment of the ILO, my point is: (a) no enforcement power; (b) we have seen no evidence that the Chinese Government has lived up to it.

I quote from our own State Department's human rights report of the past year which confirms the Chinese Government has been persecuting and incarcerating labor activists. According to our State Department:

Independent trade unions are illegal. Following the signing of the International Covenant on Economic, Social and Culture Rights in 1997, a number of labor activists petitioned the Government, the Chinese Government to establish free trade unions as allowed under the covenant. The Government has not approved the establishment of any independent unions to date.

The State Department then goes on. My colleague says: Why is this needed? I will take a couple of minutes to list what has happened to a number of these different citizen activists. This is directly from our State Department report.

The Senator from New York is the intellectual force of the Senate. He makes the point that the harsh repression during Mao's years has improved. I have no doubt that the situation has improved. But I would just have to say, look, go to our State Department report. I can only go from the empirical evidence over the last number of years and looking at our own Commission on International Freedom and their recommendations. They did a very careful study. We commissioned them to do the study of what the situation is on religious freedom. It is a picture of repression. It is not a picture of the ILO having enforcement power making any difference. It is not a picture of a country that has a respect for human rights. It is not a picture of a country respecting people who practice their religion.

From our own State Department report: Two labor activists were sentenced in January to reeducation through labor—and the Chinese Government insists their reeducation through labor camps are not prisons. They give no human rights organizations any access. They say they are not prisons. Where have we heard this before on reeducation through labor—for 18 months and 12 months, respectively. The two were arrested in 1998 after leading steelworkers in a protest because they had not been paid wages.

Another example: In January, the founder of a short-lived association to protect the rights and interests of laid off workers unsuccessfully appealed a 10-year prison sentence he received. He had been convicted of "illegally providing intelligence to foreign organizations," after informing a Radio Free Asia reporter about worker protests in the Hunan province.

I could go on and on. In August, in our own State Department report, another activist was sentenced to 10 years for subversion. They were arrested in January after establishing the China Workers Watch, an organization to defend workers rights. The family of one of these activist alleges that the police hung him by his hands in order to extract information on a fellow dissident. That is from a State Department report this year that I am now using as my evidence.

In August, another labor activist was given a 10-year prison sentence for illegal union activities in the 1980s, and more recently because he organized demonstrations in Hunan. This time he was convicted for providing human rights organizations overseas with information on the protests.

I have about 30 examples from this 1 report.

I say to the Senator from New York, I understand the ILO, its mission, its history—not as well as the Senator. I understand it does not have enforcement power and that China has belonged to it since 1918. I understand that China is not abiding by or bound by this. I also understand that all the reports we have over the last several years do not paint a picture of improvement. We do not have an amendment that says we don't have trade with China; we do not have an amendment that says we should boycott China or we should have an embargo of trade with China. We have an amendment that just says that before automatically extending trade relations every year or before automatically extending PNTR, our Government should insist that the Chinese live up to basic human rights standards.

My colleague from New York cited one of the great heroines of Tiananmen Square. I take what these brave people say very seriously. But it is also true that others, including Harry Woo and other men and woman who were at Tiananmen Square who are now in our country leading the human rights organizations, say the opposite. We know there are two different views.

I think we should not be silent on these basic human rights questions. We should not be silent when it comes to repression against people. We should not be silent about the prison labor conditions.

In 1992, the memorandum of understanding, and in 1994, we had another agreement with China where they agreed they would not export products to our country made by prison labor. They haven't complied with any of these agreements.

I think this amendment is timely. I think there is plenty of evidence that speaks for this.

Mr. MOYNIHAN. Since the 1930s, section 307 of the Tariff Act of 1930, and the Smoot-Hawley tariff, has made it illegal to send prison labor products to this country. If it still continues to be done, doesn't that problem involve our vigilance? Shouldn't we focus our at-

tention on our own Customs Service, the law is ours to be enforced.

Mr. WELLSTONE. The Senator is right, but the irony is that by this law the Chinese shouldn't be exporting and we shouldn't be importing. The problem is, because of the good work of Senator LAUTENBERG and Senator HARKIN, for the first time in 3 or 4 years we were finally able to go to one of these factories and do an on-site investigation.

The problem has been not that we haven't tried; it is that every 3 months we make a request and every 3 months we have been turned down. This has been going on for years now. It is hard to argue that this amendment is not timely, relevant, and important in terms of whether or not we go on record for human rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am as concerned about China's repression of its citizens as anyone in this Chamber. But I believe that in passing PNTR, Congress will actually take its most important step by far in fostering democracy and improving human rights in China.

That's because by enacting H.R. 4444, we will permit Americans to fully participate in China's economic development, thereby opening China to freer flows of goods, services, and information. Ultimately, that opening will change China's economy from one based on central planning to one based on free markets and capitalism. Moreover, H.R. 4444 will create a special human rights commission that will expose, and suggest remedies for, China's abusive human rights practices.

The forces unleashed by American and other foreign participation in China's market opening will help sow the seeds of democracy and human rights.

As Ren Wandering, the brave leader of the 1978 Democracy Wall Movement said recently, "A free and private economy forms the base for a democratic system. So [the WTO] will make China's government programs and legal system evolve toward democracy."

We should remember that in East Asia, the flowering of democracy in such former authoritarian countries as South Korea, Taiwan, and Thailand did not occur until economic growth in each had produced a substantial middle class.

American trade and investment, which will be fostered by PNTR, will help create just such a middle class in China, a group who will wield influence, and whose interests will inevitably diverge from the interests of the Communist Party.

But American companies will do more than simply assist in the development of a middle class. These firms will also bring with them business practices which coincide with traits best suited to democracies.

As Michael A. Santoro, a professor at Rutgers University who has studied the

impact of foreign corporations on human rights conditions and democratization in China for over a decade, said in testimony before the Finance Committee, "When Chinese workers learn the lessons of the free market they are also learning an important lesson about human rights and democracy."

Unlike workers in state-owned enterprises whose advancement often depends on fealty to the Communist Party, workers in American firms advance based on merit.

Such workers, who acquire wealth, status, and power through their own hard work instead of connections to the Communist Party are far less likely to respect the party or its functionaries. And make no mistake, today's best and the brightest in China all want to work for foreign businesses rather than in stifling state-owned enterprises, let alone for the government itself. Moreover, American firms are almost uniformly considered the most desirable because of the opportunities they offer.

Now, to compete in the global market place, foreign firms doing business in China must permit free flows of information. And such flows of information, of course, are the lifeblood of democratic government.

Professor Santoro stated the case well before the Finance Committee: "In the same way that information sharing is essential to good decision-making and operational effectiveness in a corporation, free speech is essential to good decision-making in a democracy. It is hard to imagine that ideas about the importance of information flow can be confined to corporate life. Inevitably, those who work in foreign corporations and have gotten used to the free flow of economic information will wonder why their government restricts the flow of political information."

In addition to introducing ideas about information flow within their organizations, foreign corporations are at the leading edge in terms of pressing the Chinese government toward greater legal reform and regulatory transparency. Indeed, if China is to realize the full benefits of trade with the rest of the world and comply with its WTO obligations, it has no other choice than to institute the rule of law.

In fact, China is readying itself for this transformation by engaging, among others, Temple University in providing training in the development of China's business law system with a special emphasis on WTO compliance. Temple Law School has been asked by senior officials of the Chinese government to educate more judges and government officials and to establish a business law center.

This endeavor will enable American and Chinese legal scholars to do joint research on issues related to business law and WTO compliance in China. It will also enable American legal scholars, attorneys, judges and government

officials to meet with their Chinese counterparts on a regular, organized basis to provide input into proposed or needed legislation and enforcement in an emerging Chinese legal system that will regulate aspects of a market economy.

Mr. President, foreign firms, in a very real sense, constitute the vanguard of social change in the PRC. As Professor Santoro said, "Ultimately these social changes will pose a formidable challenge to China's government, as profound contradictions emerge between the Communist Party's authoritarian rule and China's increasingly free economy and society being created by private enterprise and the free market."

Meanwhile, the United States and other countries must continue to press China on its human rights abuses. Such public condemnation complements the special changes that will accelerate with China's accession to the WTO.

That's why the Congressional-Executive Commission on human rights in China that is created by H.R. 4444 is so important and potentially so effective. Among the tasks of that commission will be monitoring China's compliance with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. Specifically, the Commission will monitor: the right of Chinese citizens to engage in free expression without fear of prior restraint; the right to peaceful assembly without restriction; religious freedom, including the right to worship free of interference by the government; the right to liberty of movement and freedom to choose a residence within China and the right to leave from and return to China; the right of a criminal defendant to a fair trial and to proper legal assistance; the right to freedom from torture and other forms of cruel or unusual punishment; protection of internationally-recognized worker rights; freedom from incarceration for political opposition to the government or for advocating human rights; freedom from arbitrary arrest, detention, or exile; the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and free choice of employment.

In addition, the Commission will compile and maintain lists of persons believed to be persecuted by the Government of China for pursuing their rights. It will monitor the development of the rule of law, including the development of institutions of democratic governance.

And the Commission will give special emphasis to Tibet by cooperating with the Special Coordinator for Tibetan Issues in the Department of State.

Finally, the Commission will submit to Congress and to the President an annual report of its findings including, as appropriate, recommendations for legislative and/or executive action.

Given the breadth of the Commission's work and the impact of foreign

firms in China, it should come as no surprise that so many of China's most prominent dissidents and human rights advocates support the United States providing permanent normalized trade relations to China.

Wang Juntao who was arrested after June 4, 1989, and was sentenced in 1991 to thirteen years in prison as one of the "black hands" behind the Tiananmen demonstrations provided the Finance Committee with the following statement, and I quote, "... if one needs to choose between whether or not China should be admitted [to the WTO], I prefer to choose 'Yes' ... In an international environment, independent forces will be more competitive than the state-owned enterprises. Such independent forces will eventually push China toward democracy ... An overemphasis on economic sanctions will contribute to the growth of nationalism and anti-westernism in China. This will limit both the influence of the U.S. as well as that of the democracy movement in China."

Wang Dan, who was one of the principal organizers of the 1989 democracy movement; and who during the crackdown that followed, was listed as number one on the Chinese government's black-list of student counter-revolutionaries provided the Finance Committee with a similar statement. "I support China's entry into the WTO," he said, because "I feel this this will be beneficial for the long-term future of China because China will thus be required to abide by rules and regulations of the international community."

Martin Lee, the brave and outspoken leader of the pro-democracy Democratic Party of Hong Kong, which yesterday took the largest share of seats in Hong Kong's elections, said that the "participation of China in WTO would not only have economic and political benefits, but would also bolster those in China who understand that the country must embrace the rule of law. . . ."

Mr. President, it was when China was most isolated in the 1950s through the early 1970s that the Chinese people suffered the most severe depredations. The so-called Great leap Forward and the Cultural Revolution led to tens of millions dying from starvation and untold millions more suffering social dislocation and the worst forms of human rights abuses.

Mr. President, at a very minimum, China's opening to the world through its accession to the WTO will make a repeat of atrocities on such an unthinkable vast scale far, far less likely.

But I am convinced, Mr. President, that in passing PNTR we will do more. I believe that in passing PNTR we will have taken our most important step in advancing human rights and democratic values in China.

I'd like to close with another quote from Ren Wanding, the leader of China's Democracy Wall Movement. Here's what he said: "Before the sky was black. Now there is light . . . [China's

WTO accession] can be a new beginning."

Mr. President, I ask my colleagues to join me in opposing this amendment.

I yield back all the time on both sides.

Mr. MOYNIHAN. Yes, Mr. President. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 4125. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—32

Ashcroft	Gregg	Reed
Boxer	Harkin	Sarbanes
Bunning	Helms	Sessions
Burns	Hollings	Smith (NH)
Byrd	Hutchinson	Snowe
Campbell	Inhofe	Specter
Collins	Kennedy	Thompson
Craig	Kyl	Thurmond
DeWine	Leahy	Torricelli
Dodd	Lott	Wellstone
Feingold	Mikulski	

NAYS—63

Abraham	Enzi	McCain
Allard	Feinstein	McConnell
Baucus	Fitzgerald	Miller
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grassley	Reid
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bryan	Hutchison	Rockefeller
Chafee, L.	Inouye	Roth
Cleland	Johnson	Santorum
Cochran	Kerrey	Schumer
Conrad	Kerry	Shelby
Crapo	Kohl	Smith (OR)
Daschle	Landrieu	Stevens
Domenici	Levin	Thomas
Dorgan	Lincoln	Voinovich
Durbin	Lugar	Warner
Edwards	Mack	Wyden

NOT VOTING—5

Akaka	Jeffords	Lieberman
Grams	Lautenberg	

The amendment (No. 4125) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4131

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Byrd amendment No. 4131.

The time period is 3 hours equally divided.

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I don't think it is necessary to spend 3 hours on this amendment. I would like to have a vote on the amendment tomorrow morning.

Mr. ROTH. The Senator probably could have the vote tonight, if he wanted to.

Mr. BYRD. If I had my druthers, as they say back in the hill country—all right.

Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. Mr. President, this amendment seeks to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products. The amendment is simple and straightforward and it may be vital to many U.S. industries, such as steel, footwear, and apples. It certainly causes no harm.

U.S. trade law provides for import relief authorities under sections 201, 202, 203, and 204 of the Trade Act of 1974, and relief from market disruption by imports from Communist countries, such as China, under section 406 of the Trade Act of 1974, as amended. These safeguard actions are intended to provide temporary import relief from serious injury to domestic producers. These provisions are essential in order to provide U.S. manufacturers or farmers with an opportunity to address sudden waves of imports—such as those brought on by economic crises in foreign markets, and under other unexpected conditions beyond domestic control.

Regrettably, however, the import relief procedures are widely recognized as overly complicated and generally ineffective. Import relief authorities require exhaustive investigations and must meet tough litmus tests. Remedies granted under these authorities are so difficult to achieve that only a handful of the most egregious cases ever receive an affirmative verdict. The number of cases that have received relief under the import relief provisions speak for themselves: In the last five years, only six Section 201 cases resulted in some form of remedy out of 21 cases filed.

Market disruption caused by imports from a communist country, such as China, is even more complicated. Tra-

ditional remedies for import surges and unfair trade practices, such as Section 201 and the antidumping and countervailing duty laws, are inadequate to deal with a sudden and massive influx of imports that can be manipulated by government control of state-owned enterprises, including pricing and distribution schemes. The Trade Act of 1974 attempted to address these complications through the establishment of Section 406. Although similar to Sections 201, 202, 203, and Section 406 was intended to provide a lower standard of injury and a faster relief procedure, and requires the investigation to focus on imports from a specific country. Given the difficulty of proving Section 406, however, only 13 cases have received remedy under the laws since the provisions were enacted in 1974.

In other words, in 26 years only 13 cases have received remedies under the law. It is not a very good batting average.

The United States Trade Representative acknowledged that the import relief authorities provided under current law are flawed, and, thus, to her credit, the Product-Specific Safeguard protocol language in the U.S.-China bilateral agreement was negotiated to enhance the ability of the U.S. to respond more genuinely and immediately to market disruptions caused by Chinese products entering the United States.

Nevertheless, the House of Representatives recognized that the protocol language could not provide real relief to U.S. industries that might be threatened by a surge of imports from China, and, therefore, the House-passed PNTR measure includes the Levin-Bereuter language on import surges. This language is a significant improvement over current law and the language included in the protocol to the U.S.-China bilateral agreement.

However, the House import surge safeguard provisions continue to lack an essential element. They continue to fall short on a point of utmost importance. While very, very close to providing meaningful benefits, the Levin-Bereuter import surge safeguard language does not provide a reasonable assurance to U.S. industry or workers that remedies against harmful import surges will be taken in a timely manner.

One of the most serious problems encountered with the use of import surge safeguards is the delays in taking action. Whether required by law or not, the administration can never seem to meet specific dates, and days turn into weeks and weeks turn into months. Meanwhile, U.S. industries and workers must sit by, unable to respond, as they watch their market share, their profits and their jobs dwindle away.

My amendment finally adds a certainty to the import surge safeguards. It is simple and to the point. My amendment would put into effect the relief recommended by the International Trade Commission (ITC) in the case of an affirmative determina-

tion of market disruption in the event that no action is taken by the President or the U.S. Trade Representatives, seventy days after the ITC report is submitted. Again, my amendment assures U.S. manufacturers and farmers and workers that action will occur on an ITC affirmative determination that a market disruption has occurred, and under the exact time frame as provided under the Levin-Bereuter provisions.

The Levin-Bereuter provisions provide legislative time frames on market disruption investigations. First, the Levin-Bereuter provisions require an ITC determination within 60 days of the initiation of an investigation, or 90 days in the investigation of confidential business information. Following the ITC action, the U.S. Trade Representative has 55 days to make a recommendation to the President regarding the case. Within 15 days after receipt of a recommendation from the U.S. Trade Representative, the President is directed to take action. Thus, the Levin-Bereuter provisions were intended to initiate action within 70 days following the ITC affirmative determination.

In real life, however, Section 401 cases have not existed for years, and many of the six Section 201 decisions that received some remedy over the last five years were delayed by weeks and even months beyond the current statutory deadline! U.S. firms have lost confidence in these provisions, and they cannot afford to pay legal expenses for decisions that might never be.

I have been particularly concerned about the U.S. steel wire-rod case. Wire-rod producers had to wait almost five months beyond the statutory deadline to receive a decision by the President that remedies would be put into place! The U.S. steel wire rod industry filed for relief under Section 201 of the trade law on December 30, 1998, and followed lengthy, costly procedures consistent with the statute. The domestic wire rod industry was encouraged after a recommendation for relief was provided by the International Trade Commission, and the industry looked eagerly to the President's decision, which was required under statute within 60 days, or by September 27, 1999. The U.S. steel wire rod company officials, workers and their families and communities waited, and waited, and waited. However, September 1999 came and went, the fall foliage dropped from the trees, leaving them bare to the north, south, east and west, the Thanksgiving feast was held and the family gathered round and sang songs, and the Christmas season came and the Christmas season went—there was no Santa Claus, Virginia—New Year's Day was celebrated—and yet, no action. As the days slipped from the calendar, imports rose! In fact, imports rose 12 percent from November to December 1999 and were up 15 percent over 1998.

The real story is that, with each passing day, production was lost and

American jobs were sacrificed. Lost income to the company became lost income to the bankers, to the company suppliers, to the tax base that supports local schools and roads. Worse, there was lost income to American families. Who pays for the Christmas presents that every little child dreams of?

Time is money. That is what they say.

In February 2000, the President announced that relief would be granted to the U.S. steel wire rod industry. This was very happy news and received joyfully in the steel community. But, the fact remains that the money lost in the wait for a decision was lost forever.

China's trade with the U.S. continues to skyrocket. Imports of consumers goods, agricultural goods, and manufactured products from China are currently entering the U.S. market at an unprecedented rates! The United States has its largest bilateral deficit with China, which grew \$910 million to a record \$7.22 billion in June 2000 alone.

Why is my amendment necessary? Because when we are successful in plugging one hole in the Chinese dike, thousands more seem to spring through, gushing imports. According to official Department of Commerce import statistics, low-priced Chinese imports of steel rail joints have increased approximately 788 percent from 1997 to 2000. As in the steel wire rod situation, these Chinese imports have resulted in lost sales and depressed prices for the American industry. I have a manufacturer of steel rail joints in Huntington, West Virginia, the Portec Rail Products, Inc.

Speaking of Huntington, my recollection reminds me that there was a congressman from West Virginia who resided in Huntington, WV, around the turn of the century. His name was Hughes. He had a daughter on the *Titanic* when that great ship went down and carried with it his daughter along with more than 1,500 other victims. Only 713 persons were rescued off that *Titanic* that went to its watery grave on the morning of April 15, 1912.

I care about the future of this manufacturer of steel rail joints in Huntington, WV. I care about its future, and I care about the future of the people who work there. There are thousands and thousands of small manufacturers that have a critical need for strong trade laws and a critical need to have an assurance that the laws will work as intended. Portec Rail Products, Inc., is a small business. It makes steel rail joints that hold rail sections together and allow the construction of the many miles of railroad that provide smooth transit in this country for both commercial and passenger trains.

Portec has provided solid, semi-skilled manufacturing jobs for many hard-working West Virginians. It also supports the State's economy by purchasing high quality steel bars from other West Virginia steel producers. This company has added to the prosperity of my State of West Virginia

and to the Nation. This company is facing a flood of Chinese imports, however. During the first quarter of 2000, for example, Chinese imports were at a record pace of 175,000 pounds, a figure which, if annualized, would amount to a 788-percent increase since 1997. The situation facing Portec is an authentic, true-life example of why this Senate should adopt the Byrd amendment. The workers of Portec are being bled dry under this hail of imports. I urge the Senate to help these workers to ensure that they are not subject to the ugly situation that the U.S. steel wire rod workers endured. Let us not sit by idly, twiddling our thumbs and biting our fingernails and watching our toenails grow, by watching also these workers' savings, so painfully secured, become washed away, and watch the slow erosion of morale and confidence. This amendment would help Portec to fight back.

I say to my colleagues, help me to help Portec and other U.S. manufacturers and farmers.

Chinese state-owned enterprise continues to remain a major source of jobs in China. Many of these state-owned enterprises are directly controlled by the Chinese Government and they play a central role in China's monetary scheme. In fact, the Bureau of National Affairs reported on July 21 of this year that the China Daily quoted Yang Zilin, President of the Export-Import Bank of China, as saying that China's state-backed financing played a strong role in boosting China's exports in the first half of this year. That's right, a Chinese official readily acknowledges the systematic use of export subsidies to help boost China's skyrocketing exports. In case anyone is wondering, export subsidies directly impede the ability of American firms to compete with the Chinese.

My amendment is consistent with the goals of the House-passed China PNTR bill. It improves the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission of market disruption to domestic producers of like or directly like products. It has been widely proclaimed by the White House and many in Congress supporting the China PNTR legislation that the product-specific safeguard provisions are a critical component of the U.S.-China bilateral agreement. My amendment ensures compliance to the timeframe that Congress intends. More importantly, it provides a standard upon which American workers and American businesses can rely.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my good friend.

I do so with some reluctance because I am actually quite supportive of taking whatever action necessary to ensure that the President takes seriously the deadlines set forth in our trade remedy statutes.

In fact, I would like to take a few minutes now to express my mounting concern about the White House's actions—or should I say, inaction?—in administering our trade laws. Frankly, I am very unhappy about the President's failure to issue decisions in sensitive trade matters by the deadlines set forth in the statutes.

There are many examples. The most notable may be two recent section 201 cases, the first involving lamb meat and the second relating to steel wire rod.

Both these decisions languished somewhere at the other end of Pennsylvania Avenue for weeks—in direct violation of the law—before the President finally issued his decision. We are seeing the same thing now in the context of the President's decision on modifying the retaliation list in the bananas dispute.

I may agree or disagree with whatever decision the President ultimately chooses to make in each of these cases. But the credibility of the trade laws rests on the process being handled with a great deal more respect and seriousness than it has been thus far.

With that said, I must still oppose this amendment.

As a practical matter, there are many instances in which the process established in the proposal will simply be unworkable. For example, it is not unusual for the ITC to be divided on its recommendation of relief in a particular case. Because the Commission often speaks with many voices, it is unclear which of the Commissioner's recommendations would take effect under my colleague's amendment.

This problem may be remedied easily, but it clearly underscores the importance of allowing my committee the time to consider the proposal of Senator BYRD to ensure that we have considered its full implications. At least some of the problems that will arise if this amendment were to become law are already apparent to me, so I must oppose this amendment for the time being.

I am also concerned that we are isolating the Chinese for differential treatment in how a trade remedy is applied.

While this provision may not be inconsistent with the United States-China bilateral agreement, applying different rule to China in how we administer our trade laws could well

jeopardize our ability to secure the benefits of the underlying trade agreement.

I must also oppose the amendment for the reasons that I have stated many times during these deliberations, and that is because of the potential impact that amendments will have on the passage of this legislation. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

The stakes are too high for our workers and farmers to allow this legislation to die. That is why I urge my colleagues to vote against the amendment of my good friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee.

Mr. THOMPSON. Mr. President, I was wondering if I can take some time, if the distinguished chairman has finished.

Mr. ROTH. I ask the distinguished Senator how much time would he like.

Mr. THOMPSON. Mr. President, it depends on what his plans are. If I can have 20 minutes, it will be greatly appreciated. I understand we have 3 hours on this amendment.

Mr. ROTH. I yield 20 minutes to the Senator from Tennessee.

Mr. THOMPSON. I thank the Senator.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized for 20 minutes.

AMENDMENT NO. 4132

Mr. THOMPSON. I thank the Chair, and I thank Senator ROTH for his generosity.

Mr. President, I want to speak for a moment to a couple of things that have come up in the debate today with regard to the amendment on China proliferation offered by myself and Senator TORRICELLI. Of course, once again, our reason for offering this amendment is because we have been told time and time again by various bipartisan commissions that we are facing an imminent threat; that China, Russia, and North Korea—but historically as of 1996, for example, China—have led the way in selling weapons of mass destruction to rogue nations. We are told that these rogue nations pose a threat to our country.

The question now is whether or not we intend to do anything about it. Some say diplomacy should work. Perhaps it should. However, we see that diplomacy has not worked. The problem is getting worse. Our intelligence estimates, which have been made public, have shown that the problem is getting worse with regard to missile technology, especially with Pakistan, instead of getting better.

A couple of my colleagues, speaking on behalf of PNTR, have pointed out that the Chinese have signed several nonproliferation-type agreements that should give us some cause for optimism, and that is true. The problem is that they have repeatedly violated every agreement they have ever made. I emphasize that. At this time, when

we are getting ready to engage in a new trading relationship, hoping for the best, we should acknowledge that China has violated every understanding, agreement, and treaty they have ever made.

My concern is proliferation, although human rights is very important and religious freedom is very important. There is only one activity of the Chinese Government that poses a mortal threat to this Nation, and that is the one of proliferation, spreading weapons of mass destruction around the globe. How in the world can we claim we need a missile defense system because of the threat of rogue nations and the nuclear missiles they are developing that will have the capability of hitting us, when we will not address the folks such as the Chinese who are supplying these rogue nations? It is all carrot and no stick. They cannot take us seriously when we express concern about proliferation.

Let's talk about the proliferation agreements they have signed. In March of 1992, China ratified the Nuclear Non-Proliferation Treaty. However, in 1994, China sold to Pakistan 5,000 unsafeguarded ring magnets which can be used in gas centrifuges to enrich uranium.

In 1995, China built in Iran a separation system for enriching uranium.

As we know, China has outfitted Pakistan from soup to nuts. Under our watchful eye, they have made it so that Pakistan can now build their own missiles. We have watched them do this over the last few years in total violation of the Nuclear Non-Proliferation Treaty, which some of my colleagues so optimistically claim they signed; therefore, they must be abiding by it. They are not.

In May of 1996, China reaffirmed its commitment to nuclear nonproliferation. Again, however, in 1996, China sold a special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.

In 1997, China was the principal supplier of Pakistan's nuclear weapons program.

In 1997, China transferred to Iran a uranium conversion facility blueprint.

In 1997, China promised not to begin a new nuclear cooperation agreement with Iran after completing a small nuclear reactor and a factory for building nuclear fuel rod encasements.

In 2000, U.S. intelligence reports state that ongoing contact between PRC entities and Pakistan's nuclear weapons program cannot be ruled out.

China is a member of the Zangger Committee which considers procedures for the export of nuclear material and equipment under the NPT but is the only major nuclear supplier of the 35-nation nuclear suppliers group whose nations agreed to guidelines covering exports for peaceful purposes to any non-nuclear weapon state and requires full-scope safeguards. The Chinese Government has agreed to a list of non-

proliferation treaties and agreements and then violated them, but with regard to those treaties that require safeguards, where someone can come in and inspect whether or not they are doing it, they will not agree to those, and that has been the history.

Are we so eager for trade that we accept this kind of behavior as in some way acceptable to us?

In February of 1992, China pledged to abide by the missile technology control regime and renewed this commitment in 1994. However, I have an entire list which I will not read, but in 1993 they transferred M-11 short-range missile equipment to Pakistan. In 1996, China helped Pakistan build an M-11 missile factory. In 1997, telemetry equipment to Iran.

In 1999, China supplied specialty steel, accelerometers, gyroscopes, and precision-grinding machinery to North Korea; a wind tunnel to Libya—on and on and on—the roughest nations on the face of the Earth in terms of their proliferation and dangerous activities. China consistently supplies them in violation of their own agreement.

In 1997, China ratified the Chemical Weapons Convention; however, they have violated it on numerous occasions.

In 1997, the PRC transferred chemical weapons technology and equipment to Iran.

In 1998, the PRC entities sold 500 tons of phosphorus materials, which is controlled by the Australia Group, to Iran—and on and on and on and on.

We cannot turn a blind eye to this. We can trade even with people with whom we have strong disagreements. We can trade with China. But can we really address a trade issue with them and envelop them into a new understanding with trade, from which we believe we will get some economic benefit, without telling them that they cannot continue to make this world a dangerous place? And it is the United States of America that is going to be most vulnerable to this; Belgium and France, with all due respect, are not going to be the primary targets of these rogue nations if and when they get the ability to hit foreign nations. It is going to be the blackmail that they will try against us.

What if Saddam Hussein had this capability in the gulf war? Do we really think it would have turned out the way it did? How much activity will breach the tolerance level of the Senate when it comes to the Chinese? We do not have to jeopardize trade with China. We must have some measures to get their attention.

What our bill does, when all is said and done, is provide a report on those proliferation activities and provide the President the opportunity to do something about it. It makes it a little more difficult for him to turn a blind eye to these proliferation activities because if he does not do something about it, he has to tell Congress why.

It also provides that if Congress feels strongly enough about it—if enough

people sign up—we can actually take a vote on the President's decision.

That is what it boils down to. We have had people come to this floor and say: If we pass this amendment, these unilateral mandatory sanctions, the sky will absolutely fall. It will mess up everything. It will make the Chinese mad. We might lose trade.

No. 1, even if all those things happened, I ask, what is the primary obligation of this body? To protect ourselves from these problems and trying to address them or not? But these things are not going to happen because we already have laws on the books that are unilateral sanctions that this body has voted for oftentimes without a dissenting vote, time and time again, to impose sanctions on various entities for various reasons. Perhaps we have done too much in some respects. Perhaps we have not done enough in others. But there are numerous laws on the books.

What our amendment does is provide for a more extensive report and provide for congressional input, as I have said. But in terms of sanctions, it is right along the lines of what we have done on numerous occasions. It is only when it comes to China, it is only when we identify China that everyone comes rushing to the floor saying: My goodness, we can't do this; Our allies will be against us; China will be against us; It will upset Russia; It will be a bad example to the world, and all of that. It is only when someone thinks that we are complicating the China trade deal that all of these concerns come to the fore. We can do better than that.

People say we need hearings, that no committee of jurisdiction has had hearings. My committee, the committee I chair, is a committee of jurisdiction. We have had 30 hearings on the issue of proliferation. There have been 60-some-odd hearings on the issue of proliferation.

Some people say: THOMPSON's committee has had several drafts. They keep coming up with different drafts. That is true because we keep trying to satisfy the critics who do not want to do anything to irritate the Chinese Government.

They have said: You identified China specifically. We broadened it to include Russia and North Korea because they are also major suppliers.

They say: You do not give the President enough discretion. Now we give him almost total discretion. He has to make a determination before anything happens.

They say: You are going to hurt farmers or small businessmen. We specifically eliminated any potential involvement of farmers or small businesses.

Some people say: Farmers still don't like it because if we are mean to the Chinese Government, they might retaliate, and it might be against farmers. Not my farmers in Tennessee. I think if my farmers in Tennessee had a choice between us responding respon-

sibly to this irresponsible behavior on the part of the Chinese Government and risking their getting mad, and in some way affecting them in some export that they might have, they would be willing to take that chance. The farmers are not involved in this.

Some said that any Member of Congress could force a vote to override the President. So we made it so it had to be 20 Members of Congress.

Yes, there have been several reiterations of this bill because we have been trying to answer the reasonable complaints.

What it boils down to is that not all of these various complaints are the reason for the opposition. My opinion is that the root of it is a genuine desire not to irritate the Chinese Government at a time we are trying to enter into a new trading relationship with them.

Generally speaking, I think that is a laudatory idea. I cannot complain about that as a general rule. But these are not times to apply the general rules. These are extraordinary circumstances. We have been getting reports on what they have been doing for years now and have not done anything about it.

Now we are about to enter into a new trade relationship which they want desperately. They have a favorable trade balance with this Nation of \$69 billion. They are not going to turn their back on that. They want this.

If we do not have the wherewithal to raise the issue of the fact that they are making this a more dangerous world and threatening our country now, when are we going to do it?

A Senator actually said yesterday that one of the problems he had with this bill, in light of the nuclear proliferation that we are dealing with, is that this report will be too onerous, this report which we are requiring on these activities will be too voluminous for our intelligence. Why would it be so voluminous? I agree with him. It would be. Why? Because of all of the proliferation that is going on. Do we not want to know about it because it is too voluminous?

I suggest that we get serious about this. Some complained that we might catch up some innocent Chinese company, where there is credible evidence that they are selling these dangerous weapons, but they may later prove to be innocent. That is not a major problem is all I have to say.

If I have to come down on the side of doing something to address this problem or running the risk that we may for a period of time unjustly accuse a Chinese company and, therefore, cut off military exports to them, I am willing to run that risk.

Others say we have to give engagement a chance. One of the most distinguished Senators ever to serve in this body spoke a little while ago, someone I respect tremendously, the senior Senator from New York. He talked about the fact that Jiang Zemin met with our President last Friday at the Waldorf-

Astoria in New York. He also mentioned the fact that he met with American businessmen, and it was a good thing for the leader of the Chinese Government to be meeting and talking with American businessmen. I think, generally speaking, that is true. But we have to consider the context in which this happened.

According to the New York Times story the next day, that luncheon meeting with America's top business executives was to declare that China was plugging into the New World. Jiang Zemin said: We have over 18 million citizens, more than 27,000 World Wide Web sites, over 70,000 Chinese domain names, and 61 million mobile phones in China.

It goes on to say what he did not mention: China's recent efforts to crack down on the use of the Internet for the spread of dissenting opinions in China. Mr. Clinton said that he never broached the subject.

It went on to say that President Clinton brought up the proliferation which we all know, and they admit that we know, they were doing and asked him to do something about it.

He smiled and wished the President well in his retirement and thanked the President for his assistance with regard to getting China into WTO—smiled and went on, knowing there would be no repercussions.

We have sent three delegations to China this year beseeching them, on the eve of this PNTR vote, to stop some of their activities. According to our own people who were there in the meetings, they were told by the Chinese Government officials that they intended to continue their policies with regard to weapons of mass destruction unless we backed off on our missile defense system and our positions on Taiwan.

You have to give the leadership of the Communist Chinese Government credit for being up front about it. They are doing it and telling us they are going to continue to do it. We are over here worried about whether or not to upset them because it might cost us some trade or it might in some way be counterproductive and we need to exercise diplomacy.

What has diplomacy gotten us so far? They say: Unilateral sanctions never work; we need to get our allies together. What have we been able to get our allies together on in the last several years? When you can't get multilateral action on something that is dangerous to your country, what do you do, go home? We can't get a U.N. resolution to criticize China's behavior with regard to human rights. We can't get our European friends to let us send them bananas. Yet we are supposed to sit back, in light of this nuclear and biological and chemical threat to our Nation, until we can get all of our allies together to do it at once. Otherwise, it would be ineffective and somebody might be critical of us?

Some say Chairman Greenspan thinks our provision that allows the

President to cut some of these companies out of our capital markets is a bad idea. What we did is list one option. The President has this authority anyway, but I think it has a salutary effect to have it listed up front, telling the world this is what we intend on doing as a possibility. One of the options the President has, when he catches these folks doing this and he makes a determination—or when it comes to a country, in his complete discretion, one of the options he has is to tell the companies that are in our capital markets in the New York Stock Exchange that they can't be raising any more money.

The Deutch Commission, comprised of distinguished Americans, told us one of the things that is happening to us—and the American people ought to know about it—is that proliferating companies under the control of the Chinese Government are raising billions of dollars on the New York Stock Exchange from American citizens who don't know what they are doing. The Deutch Commission suggested the capital markets are among a wide range of economic levers we could use as carrots or sticks as part of an overall strategy to combat proliferation. That is from this thoughtful commission of experts in this area. How many Americans know that these companies are raising billions of dollars on the New York Stock Exchange? That is an option the President could or could not use as he sees fit.

Some of my colleagues—in fact, all of my colleagues—who oppose this amendment have quoted Mr. Greenspan, Chairman of the Federal Reserve. He was in the Banking Committee. I am not sure what the subject was. I can assure you it was not nuclear proliferation. Opponents of my amendment asked him this specific question: Basically, do you oppose the idea of cutting people out of our capital markets? He said, no, he thought that was not a good idea generally, and went on to explain why.

I have a couple of comments about that. This is not a capital market issue, this is a proliferation issue. I have extreme respect for Chairman Greenspan, but I would not ask a proliferation expert whether or not he thought interest rates ought to be raised. I don't think Chairman Greenspan would claim to be an expert on the nature of the problem this country faces and what we should do about it.

As a general proposition, I agree with him. I think we ought to be expanding all of our markets, including our capital markets. But on an occasion, if we catch a company and our intelligence agencies come forth and say there is credible evidence that this company just sold missile capabilities to Libya, and we have caught them, we have the intelligence on it, the President looks at it, makes his own evaluation and says, yes, I believe it is true. I hereby make that determination, and this same company is listed on the New

York Stock Exchange, should we not do something about that, raising money from the very American citizens who would be targeted potentially by a Libya?

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

Mr. THOMPSON. I urge adoption of the amendment, Mr. President. I thank the Chair and my chairman, Senator ROTH, for their indulgence.

I yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH assumed the Chair.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I am going to be speaking on the PNTR issue. From the time allotted, I yield myself 15 minutes.

The pending business is the Byrd amendment, but I was intensely interested in the comments and remarks by my good friend and colleague, Senator THOMPSON.

I thought now would be an appropriate time to urge my colleagues to oppose the China nonproliferation act—that is how the act is described—offered as an amendment to the legislation. But, again, I want to point out to my good friend and distinguished colleague from Tennessee that as a member of the Senate Intelligence Committee, and as chairman of the Armed Services Subcommittee on Emerging Threats, I speak with at least some understanding on this very serious subject of the proliferation of weapons of mass destruction. The fact is the distinguished majority leader has appointed Senator BOB BENNETT to be on the task force, as well as Senator THOMPSON, myself, Senator KYL, and Senator GREGG on this very issue.

More especially, in regard to the threat of terrorism, which is a very serious threat, among its many duties the Emerging Threat Subcommittee is responsible for congressional oversight of programs called the Nunn-Lugar cooperative threat reduction programs. They annually authorize the use of Defense Department funds—the fact is we are right in the middle of the defense authorization bill—to assist with the safe and secure transportation, storage, and dismantlement of nuclear, chemical, and other weapons of the former Soviet Union. We would hope we could do similar activities with the other nations concerned more specifically mentioned by my distinguished colleague.

In that enterprise, I have spent countless hours in committee methodically and hopefully meticulously debating these issues. This is a very important issue to me.

As the Senator pointed out, our first obligation is our national security. Our first obligation as Senators is to do what we can to safeguard our national security. There is no question about that.

As the distinguished Senator and, I guess, all of my colleagues, I have very serious concerns about China. I have no illusions about China. They are spreading, as he has indicated, weapons of mass destruction technology all around the world, more specifically to nations of concern. But I don't think this is the reason to erect what we call trade barriers, which is exactly what I think this amendment will do. Quite the opposite. It seems to me we should really reject this amendment because trade, on the other hand, has a stabilizing effect on international relations. The more that two nations trade and invest in regard to the economics of both countries and each other, the less likely it is that they will engage in any kind of military conflict.

Let me spend a few moments explaining to my colleagues why I think this amendment, which requires the President to once again impose sanctions on China, would be counterproductive.

First, again, I don't know how many times we have to say this on the floor. I have had the privilege of being in public service in the other body since 1980, and, as a matter of fact, I was working as a staff member 10 or 12 years prior to that time. In speech after speech after speech, primarily involved with agriculture, we have tried to point out that unilateral sanctions simply don't work as a foreign policy tool. Study after study by respected foreign policy experts and economists, academics, not to mention the farmer who has gone through this I don't know how many times, all agree that unilateral sanctions are overused; that they are ineffective and counterproductive. I know that they send a message.

I know from the intervention standpoint the sanctions we have on approximately 71 countries around the world send a very strong perception. We have them on almost virtually everything that we are worried about. But unilateral sanctions do little to change the behavior of the offending country. Yet they put American businesses and American workers and farmers at a huge competitive disadvantage.

I remember so well the 1980 embargo by President Carter. The Russians had invaded Afghanistan—something we all disagreed with without question and viewed as a great tragedy. I remember that the United States canceled the Olympics. At that time, President Carter said no more grain sales to Russia. Not one Russian troop left Afghanistan. And, yet, in terms of contract sanctity and our trade policy, our export policy was like shattered glass. I tell you who paid the price. It wasn't Russia. The fact is they were becoming more dependent on our food supply,

and the Russian people were demanding more in that regard because of a higher protein diet.

It was the Kansas wheat farmer and farmers all over this country. Our export policy suffered for years afterwards. It took us 2 years after that to get any contract sanctity. The price of wheat at the country elevator in Dodge City, KS, went from \$5 down to about \$2. Boy, did we feel good, except that Vietnam veteran who went out there to harvest his field and who had a good crop all of a sudden found it diminished in value and price. He was wondering and scratching his head: Wait a minute, these sanctions are not helping quite the way I thought they would.

I am saying again that sanctions simply don't work as a foreign policy tool. Unilateral sanctions are often used as an easy substitute for the harder work of finding more effective and long-term responses to foreign policy problems. They create the false impression that these problems have been solved. We need to take, it seems to me, a harder look at alternatives such as multilateral pressure and more effective U.S. diplomacy.

The Senator from Tennessee indicated what time we had in regard to multilateral pressure in regard to China. He makes one excellent point: We have not been successful to the degree that we should have been.

More effective U.S. diplomacy. Let's see, 18 months ago, or 2 years ago, we were going ahead with this trade agreement. We worked on it for years. All of a sudden, it was pulled back. Then we got into a conflict in regard to Kosovo. We had the unfortunate incident of the Belgrade bombing. I am going to be very frank. This is after about six times of drawing lines in the sand in regard to Bosnia and Kosovo, the Balkans, and the former Yugoslavia.

It seems to me that our word in regard to standing firm with what we would do in reference to foreign policy objectives would go a long way in convincing the Chinese, more especially the hard liners and the Communists in that country, that we mean what we say. It seems to me that a clear and rational and defined foreign policy of the United States where we define precisely what our U.S. vital national security interests are and make that very clear to the Chinese would go a long way to helping this matter rather than sanctions.

Let me point out that unilateral economic sanctions almost never help the people we want to help and almost always fail to bring about the actions that we seek to promote. By acting alone, America only ensures that its responses are ineffective since the target country can always circumvent a U.S. unilateral sanction by working with one of our competitors. That certainly will be the case and would be the case with regard to China. Unilateral sanctions should be one of the last tools out of America's foreign policy toolbox—not the first.

Second, the China nonproliferation act requires the mandatory—I have it in caps, in a higher type case here, to underline it—imposition of sanctions rather than allowing the President the discretion in determining whether sanctions or some other response will promote our U.S. goal.

The measure requires the imposition of the full complement of U.S. sanctions for even minor infractions instead of mandating a predetermined one-size-fits-all response. It seems to me that history and prudence tells us that the President's hands should not be tied. Flexibility is a must when dealing with sensitive foreign policy issues.

The thought occurs to me that if we are unhappy about the President not using all the venues, all of the opportunities, and all of the various means at his disposal to send strong messages to China in regard to this specific issue, we might want to quarrel with the policies and the recommendations and the actions of the President—not impose more unilateral mandatory sanctions that, quite frankly, might be followed up by more wrong-headed policy decisions, say, by the Executive.

First, this amendment is redundant. A substantial body of law already exists in regard to governing the real proliferation of weapons. The President already has authority to adequately respond and report to the Congress on this issue, on this concern, which is real, about China and other nations. Examples include the Arms Export Control Act. I know the criticism will be; we haven't done that. Let's get back to the people who are implementing the policy. It is certainly not the alternative that is there.

Second, the International Emergency Economic Powers Act.

Third, the Nuclear Proliferation Prevention Act. All those are on the books.

Fourth, the Export Administration Act.

Fifth, the Export-Import Bank Act.

And many others too numerous to list. You can go on and on.

Let's utilize and enforce the laws already on the books instead of hastily creating new statutes without properly studying the issue in the committee process, although, the Senator from Tennessee has spent many long hours on this subject area. I truly appreciate that.

Finally, it seems to me we must defeat this amendment because of the obvious: Its success will kill the effort to achieve trade concessions with China. It will kill the PNTR. My former House colleagues have assured me. I know it is easy to say let's pass it and see. In my view, in talking with people on both sides of the aisle on this issue, from the Speaker to the rank-and-file Members of the House, this is a killer amendment.

I also know the Senator from Tennessee has tried for a free-standing amendment. I understand that. That is

a different matter. But tied to this particular effort, it represents the death of I don't know how many years of work in regard to PNTR. I think Senators must understand a vote for this amendment, or any amendment, serves ultimately as a vote against PNTR.

It will be a tough vote for many of my colleagues simply because, as the Senator has pointed out, that is our first obligation. That is why we are here. It is such a serious issue.

I am much more discouraged by the thought of explaining to the American people why we failed to rise to the occasion and remain economically and diplomatically engaged with one-fifth of the world's population. I think that course of action would help us in regard to our national security.

I took some notes while I had the privilege of being the acting Presiding Officer, and perhaps this will be a little redundant. Hopefully, it will be helpful. Senator THOMPSON said the reason he has introduced the amendment, he has told all of us—especially those privileged to serve on the Senate Intelligence Committee, Senate Armed Services Committee, bipartisan commission, and virtually all Members of the intelligence community—that we have a problem here in regard to the real, certain spread of weapons of mass destruction and selling these weapons to rogue nations. We don't call them rogue nations anymore; we call them nations of concern. I am not too sure what the difference is. We all know who they are.

The Senator from Tennessee is exactly right. He says the problem is getting worse. He refers to Pakistan and says, What do we do about it? Then he says the Chinese have violated virtually all the agreements we have entered into with them prior to this date. I am not sure they have violated each and every one, but obviously we have not reached the progress we would like to reach with the Chinese.

He says, How on Earth can we claim the need for a national missile defense when these adversaries are causing the proliferation of weapons of mass destruction?

Excellent point.

Then he indicated that he could read a considerable amount of the intelligence reports—the itemized situation there in regard to the nations of concern and the spread of weapons of mass destruction.

That is true. But my question is, How can killing trade answer that challenge? How can killing this bill answer that challenge from a practical standpoint? With our competitors all over the world and the concessions we have arranged for in this trade bill, how can taking those sales away from American businesses, American farmers, and American ranchers help this situation? I don't understand that. I understand the means, but I don't understand the end.

If nothing else happens, China will become a member of the WTO and one-

fifth of the world's population will be a market to all the rest of the population, except the United States, and our competitors will take those markets. Kansas sales will not go to China; they will go to our competitors. I don't understand how that affects the Chinese decision in regard to these matters of grave national concern.

Will the Chinese change their military policy? I doubt it. I have no illusions. I share the Senator's concerns about Taiwan. I have been to Taiwan several times. I share the concern in regard to human rights. I share the concern, as I have indicated, about the spread of weapons of mass destruction. I sit on those subcommittees. I am worried about the espionage.

I worried a great deal 2 years ago when the distinguished Senator from Tennessee led the effort to have a little transparency, to shine the light of truth into darkness in regard to the campaign contribution violations involving China. He was stymied in that effort—we won't go into that—and tried very hard to reach a logical conclusion.

The Senator mentioned it is our primary obligation in regard to national security. I agree. But it seems to me, again, a partial answer is a clear foreign policy.

I am very hopeful with a change of administration we can achieve that, so that the Chinese fully understand what is acceptable and what isn't in regard to our national interests. It is not only China; it is all nations of concern. As a matter of fact, this administration has already announced we have exempted food and medicine sanctions in reference to all these nations of concern. They have not gone ahead and said that we can compete with our competitors and use our export credit programs, which is another step. Right now, with Iran we are trying to work this out as best we can. Obviously, we have a lot of concerns about the nation of Iran.

So it involves all of the nations. The same thing with Cuba. You can make the same argument with Cuba, except obviously Cuba today does not pose a national security threat. We hear the same arguments with regard to sanctions.

Trade is not a productive way to achieve foreign and military policy goals. I mentioned the Carter embargo. I will not go back over that. The issue is in regard to all of the reports. Send strong signals. We should be willing to take a strong stand. We should be able to draw a line in the sand and have reasonable policy discussions with the Chinese.

If we don't have that kind of engagement with the current leadership in regard to trade, to whom does it turn over the decisionmaking? Who gains ascendancy if we kill PNTR? I will tell you who it is: It is the two generals who wrote the book on how they can gain supremacy with the United States by the year 2020. I haven't read all the

book, but I read a portion of it. It is a chilling book. Equal superpower status with the United States. I think they probably wrote the last chapter after we were involved in the bombing of the embassy in Belgrade because they worry about NATO going outside of its boundaries and taking action like this. I think that crosses the T's and dots the I's. I am not saying that was a one-for-one cause, but I think that certainly was the case. If we don't remain engaged with trade, it will turn that decisionmaking over to those very people.

Let's say we pass the Thompson amendment, the House doesn't take the bill up, and PNTR is dead. We sure showed them. We showed them. Basically, the Chinese hardliners will gain ascendancy, the Chinese will buy some Ericsson cell phones, and the Chinese will buy French wheat and the Airbus aircraft. The President will still have the options he should be using right now to convince the Chinese we ought to be making progress on this, but we won't be trading with Chinese. It seems to me that is the question.

I thank Senator THOMPSON for making this such an issue of concern and having what I think has been excellent dialog and debate. I share his concern about the national security risk this poses. I do think this is the wrong way to get it done. I think this is a killer amendment. It is as simple as that. We have come far too far in our efforts to engage the Chinese with trade and, yes, with a serious national policy dialog with regard to our national security, to go down this road.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I ask unanimous consent I may have 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I thank my colleague from Kansas for the level of his debate. This is a good discussion. This is what we ought to be doing. This is what we should have been doing for some time now. These are legitimate problems and legitimate disagreements.

But let me disagree with my good friend on a couple of very important points. The trade we talk about here, the only trade that would be stopped by my amendment, is trade that is already prohibited in other legislation. It is trade that is basically on the munitions list; that is, armaments and things of that nature, munitions and dual-use items. Under the Export Administration Act, if these entities are caught proliferating, it is already required that we stop that. We are certainly not arguing, are we, that the President should not enforce that law? It is already on the books. The worst that can be said about ours is that it is duplicative.

I have had a lot worse things said about things that I have done than that I have been duplicative. I hardly

think that is a major problem, in light of the fact there are additional items in our bill which help which are not on the books now.

But in terms of the trade that we would be losing, if that is the case, we would be losing it now if the President was applying the law the way he is supposed to apply the law. It is already on the books. Suppose it was not. Do we really want to be sending munitions list items and dual-use items to companies we find are proliferating? Can't we stand to lose that trade? We are not talking about Kansas farmers. We are not talking about Tennessee farmers. We are talking about those folks in this country—if you are in the business that would be affected by the munitions or the dual-use items that have either domestic or military capability, you would be affected if the President decided he wanted to go that route. That is the limitation. I think it is over \$1 billion a year in exports that we have in a \$9 trillion economy. Can't we afford that in light of this threat? Can't we afford that?

My friends on the other side say this is a killer amendment. Let's analyze that for a minute. I submit to you that is not the case. It is being used, but it is not the case.

The House of Representatives passed PNTR by about a 40-vote margin—more than anybody thought. All of us in this body have had a chance to express ourselves, and the votes are overwhelming here. The support and the leadership in the House is solid. You cannot stir with a stick the lobbyists in support of it around this town. The fight is over. We are going to have PNTR. The idea that we would send it back to the House with a proliferation amendment on it and people will say, "My goodness, we are trying to do something about Chinese proliferation. We can't have that. I voted for it before but I am going to change my vote now and vote against it," is ludicrous.

People say: Who is going to change their vote? With that 40-vote margin, who is going to change? Is it going to be the Republicans because we added a proliferation amendment? Of course not. Is it going to be the Democrats because the labor unions are pressuring them? When the Democrats are so close to taking back control of the House? When the labor unions have already lost this PNTR battle, and they know it, they are going to put their members in that kind of position so they can go into the election with a vote for it and a vote against?

With all due respect, that is not going to happen. If we add a proliferation amendment and do what we should have been doing a long time ago—and say we are just going to ask for a report, and if we catch you, we are going to give our President the clear option to do something about it or, if he does not, he is going to have to tell us why—if it went back to the House, it would be ratified within 24 hours and that would be the end of it.

We are not going to know until it happens. If we are so intent on avoiding what I consider to be a minute risk that we will turn a blind eye to what is going on because we are so intent on this trade agreement that we cannot even do the minimal of requiring an additional report, requiring some additional congressional involvement and making it a little tougher for the President to game the system—the way, quite frankly, this President has—then we have bigger troubles than I think we have.

How can this help? My friends ask: How can this help? I will ask a question. Why is the PRC so against this amendment? Is it because it is ineffective or duplicative? They are against this amendment because they don't want the additional attention on their activities. They don't want the President to have it highlighted that he has this discretion and has to give a reason why he does not take action. They think it will be effective. I think it will be effective. I think it will have an effect on them where they will think at least one more time before they do something that they know is going to be another major debate on this floor. That is my belief.

My friend makes a good point with regard to the issue of sanctions in general. That has been the source of a great debate for a long time. He makes some good points. But I reiterate: Sanctions are not sanctions are not sanctions. There are different kinds of sanctions. We can't lump all sanctions in one group. There are sanctions that differ in terms of the targeted country. There are sanctions that differ in terms of the activity that is going to be addressed. There are sanctions that are different in terms of the commodities or goods on which you are placing some limitation. We have had sanctions that have dealt with agriculture, as he points out. They have dealt with goods in general in times past. What we are dealing with here basically is munitions and dual-use items. Should we not stop that, if we catch these companies proliferating weapons of mass destruction?

Over the years when the U.S. has been serious about implementing measures to signal our displeasure with a foreign government's actions, these measures have had an effect. For example, U.S. economic pressure in the late 1980s and early 1990 led to China's accession to the Nuclear Non-Proliferation Treaty in 1992. In June of 1991, the Bush administration applied sanctions against the PRC for missile technology transfers to Pakistan.

They have been doing this for a long time, folks. These measures led to China's commitment 5 months later to abide by the Missile Technology Control Regime. They systematically violate it, but perhaps, hopefully, not as much as if they had not even agreed to abide by it.

In August of 1993, the Clinton administration imposed sanctions on the

PRC for the sale of M-11 missile equipment to Pakistan in violation of the Missile Technology Control Regime. Over a year later, Beijing backed down by agreeing not to export ground-to-ground missiles if sanctions were lifted. They entered into this agreement in order to get sanctions lifted. I wonder why they wanted those sanctions lifted—because they were having no effect? And that occurred in 1994.

Some of these examples were provided to me by Sandy Berger, the National Security Adviser, to illustrate how unilateral sanctions and/or the threat of sanctions have been effective when dealing with the PRC in the past.

The President's security adviser opposes my amendment because he doesn't want any complications to PNTR. We respectfully disagree with that. We certainly disagree over the extent to which they have attempted to do something about China's activities, but they have, on occasion, taken some action. He cites these particular instances when they have taken action, and he acknowledged they had some effect.

So we cannot have it both ways. We cannot lump all this together and say sanctions are bad, period, forever, regardless. We can't say, "Let's not tie the President's hands," when all of this is discretionary. He has to make a determination. I do not know how many times I have to repeat this. We are not tying the President's hands. He can do it if he wants to and he doesn't have to do it if he doesn't want to. That is not tying the President's hands. We are not talking about agriculture or any other general goods. We are talking about dual-use items.

So we have a legitimate debate here. Some think we should go ahead and pass PNTR and have no amendment strategy.

The PRESIDING OFFICER (Mr. ROBERTS). The time requested by the distinguished and articulate Senator from Tennessee has expired.

Mr. THOMPSON. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The chair hears none. The distinguished Senator is recognized.

Mr. THOMPSON. Legitimate debate. Some think we ought to pass this: No complications, no amendments, no muss, no fuss; worry about this later.

If not now, when? I thank the Chair and relinquish the floor.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I want to take a couple of moments. I already mentioned my concerns about the Thompson amendment, but I have to say it is interesting that the Senator is curious as to why there are objections to this amendment. He ought to recall that the Senate has already rejected three or four amendments for the same reason, and that is, we want to send a clean bill to the President.

The idea that his is being rejected because of certain things is just not the

case. There is a notion here that this bill ought to be sent, right or wrong. I happen to think that he is exactly right. There is also the implication that if you do not agree with this amendment, you do not care about these things. That is not true, either. We do separate things. There are seven or eight bills now in place.

The Senator says we are not going to tie the President's hands and then on the other hand says this is going to force the President to do something. We need to get it clear.

I wanted to make the point that there is no evidence that people do not care about these things. They do, indeed. There is a belief that these issues ought to be separated and we ought to deal with PNTR and then deal with the other issue. We should not think this is going to cause the President to do a number of things when we already have in place at least seven laws that are not being adhered to.

Those are the things on which I wanted to be clear. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak on the underlying bill as in morning business so as not to take time away from the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, yesterday and today we heard my distinguished colleague, Senator THOMPSON, speak eloquently on the whole issue of the Chinese non-proliferation amendment. It is interesting that no one in the Senate wants to give us the opportunity to amend the legislation for fear somehow it might mess it up. On the other hand, it did not bother the House. They amended HR 444 and sent it over here, and I believe the Senate has a responsibility to do likewise. Frankly, I believe we have that right to offer amendments, such as the Thompson amendment, whether I agree or disagree with it. I believe people ought to vote on those amendments based on how they feel about it.

This is a very important issue. Permanent meant permanent when I went to school. When you say "permanent normal trade relations with China," permanent means permanent. I am going to touch on a number of issues, including the subject Senator THOMPSON has spoken so eloquently on over the past couple of days, but there are many other issues one might want to stop and have serious reflections on whether or not this is really what we want to do.

To the leader's credit, he has given us ample opportunity to have these debates. As Senator THOMPSON just said, one gets the feeling that it is a foregone conclusion; that we are wasting our time; we are basically taking the Senate's time for no apparent reason;

that it is already in the cards; that everybody is for permanent normal trade relations; we do not have to worry; we are just wasting time.

We waste a lot of time around here. I suppose we can say some of the greatest debates of all time have taken place in this Chamber. If it is a waste of time, so be it, but I believe these comments should be made, and I believe they ought to be considered. If people want to vote against the Thompson amendment, a Smith amendment, or other amendments, they have every right to do so. If they want to say proliferation matters, then they have a right to do so, and they will have a right to vote.

I applaud Senator THOMPSON for adding this amendment to the PNTR debate. He has been involved in the committee investigating some of these matters. He is able. He knows about these issues. It would be a shame if the Senate did not heed what he has advised them to consider.

I believe one of the greatest threats to the U.S. today is China's proliferation of weapons of mass destruction—nuclear, chemical, and biological, all three—and the means to deploy them; not just produce them, but have the mechanism to deploy them. We do not know whether they have the will or the desire. We do not deal with will and desire. What we deal with is capability.

This is a fact. This is not opinion, as Senator THOMPSON has pointed out. It is a fact that the proliferation of weapons of mass destruction—biological, chemical and nuclear—are occurring today by the Chinese. It is a fact. Despite words to the contrary, China continues to transfer technology to Pakistan, Iran, North Korea, and Libya. One can say: Fine, I do not care; it is more important to sell my agricultural products to China than it is to worry about proliferation of nuclear and missile technology.

That is fine if that is your opinion, but do not come to the floor and say that it is not happening because it is happening. This technology is being transferred to North Korea, to Libya, to Iran, and to Pakistan. It is happening, and that is a fact. One can say: Fine, I don't care about that; we will go ahead and feed the people who are doing it, but it is a fact that this technology is being transferred.

The Director of Central Intelligence reported on August 9 that China remains a "key supplier," his words, of these technologies, particularly missile or chemical technology transfers. Some of these transfers have raised questions about violations of the Non-Proliferation Treaty which China signed and contradictions to the Missile Technology Control Regime which China promised to abide by, and U.S. laws, violations which may require sanctions.

China has not joined some of the international nonproliferation groups. The Clinton-Gore administration policy of "comprehensive engagement"

with Beijing seeking to improve bilateral relations has failed. It is time for a tougher approach to advance U.S. nonproliferation interests.

This is not about coming out here and beating up on a country. The facts are the facts. They threatened Taiwan. They have threatened us if we interfere with them threatening Taiwan. They have actively engaged in seeking to control the Long Beach naval shipyard, the Panama Canal, and other regions in the Caribbean, and yet we are supposed to stand by and ignore this threat, all of it in the name of free trade.

Not only are we supposed to ignore it, we are not even supposed to have a vote on it; we are just wasting the Senate's time to point out that this is happening in the world today.

Maybe Senators have made up their minds, but I want to speak to the American people because, frankly, I am not sure the American people have made up their minds on this issue. Maybe they need to know.

I ask you: If you are a parent with a 17- 18- 19-year-old son or daughter—I have one 21 and one 18—whether or not you feel safe in providing this country of China with permanent normal trade relations; that is, giving them the best opportunities we can to trade with them and you are not worried about the fact that they are spreading weapons of mass destruction all over the world. If you are not, then I think you should sit silently and say to yourself: I am going to get my way; the Senators are going to vote the way I want them to vote. But if you are not satisfied, then you ought to let your Senators know because we are going to have a vote on this in the very near future.

Many in this body are adamantly opposed to amending this trade legislation. They argue that trade and national security concerns are not connected. We should go ahead and trade with China. We open up our country. We open up the dialog. We open up debate and just ignore all the other issues. Proliferation, human rights abuses, religious persecution, and all the other issues I plan to speak about will take care of itself. Don't worry about China. They will not hurt us. Don't worry about it. Just keep trading with them and provide more assistance.

No one is talking about ignoring 1 billion-plus people in the world. That is not what this debate is about. No one proposes to ignore them. I do not propose to ignore them. No one proposes to not talk with them or not to have relations with them. That is not what we are talking about.

What we are talking about is permanently establishing these normal trade relations, which gives them benefits that American companies do not even have and American citizens do not have. So if you want people who are trying to spread weapons of mass destruction all over the world—chemical, biological, and nuclear—to have better

situations—their companies don't have to abide by environmental standards; they put people in slave labor in the textile mills, or whatever, for 50 cents a day—if that does not bother you, then fine, don't call your Senators and tell them. Leave it alone. They are going to vote your way. But if it does bother you, you may want to speak up.

This amendment, the Thompson amendment, is very relevant. People should be heard on it. Every Senator should be heard on it.

The Chinese Government realizes we are willing to abdicate our national security concerns to gain access to their meager markets at all costs. You think the Chinese are not watching this debate? You think they don't know what is going on? Here is what they are hearing: You know what. These guys will do anything to get our business. They will do anything to get our business. They will let us go ahead and spread weapons of mass destruction all over the world. They don't care about that. The United States will let us move into Panama and threaten the people of Taiwan as long as we can buy their corn and their wheat. Man, that is a good deal for us.

Boy, I will bet they are laughing in Beijing right now at this debate. But I will tell you what. If it ever comes, God forbid, to a conflict in the future, if you have a son or a daughter in that conflict, you are not going to be laughing. That is the reality. That is the way life is.

Ronald Reagan stood firm against the Soviet Union; and it worked. When President Reagan told Gorbachev to tear the Berlin Wall down, he tore it down. We won the Cold War because we stood firm. We did not kowtow to the threats and the intimidation to sell products. Some wanted us to, but we didn't.

Leaders in China believe the actions of this body are a foregone conclusion—over and done. The Chinese have acted accordingly by continuing to proliferate nuclear and missile technology during this whole process. It is still going on, as is evident by the latest report from the Director of the CIA. They are still doing it. And we are still going to give them permanent normal trade relations.

Sometimes—and I have been on both sides of many issues; I have lost debates and I have won debates—sometimes you have to have the debate. You know what. I want history to judge me on what my position is on this issue. I hope to God that I never ever have to come back to the Senate floor and say: See, I told you so.

I hope tomorrow the Chinese all become democrats—little "d"—and we become one big, happy world family between the Chinese and the Americans. I hope that happens.

You know what, folks. Are you sure that is going to happen? Do you feel real good about that happening based on what is occurring right now as we speak? Spies spying, stealing our secrets, stealing the whole arsenal of our

weapons, and we are about to let the person who stole that—he is going to go free very shortly. We are the laughingstock of the world. Unbelievable. Yet we sit here—so many of us—without even uttering a whimper and criticize those of us who speak up and talk about it, criticize us for even offering amendments to try to stop it.

I commend Senator THOMPSON. I admire him. I respect him. I served with him on that committee when he did this investigation. I respect what he has done. He is right. History will judge him right. Those of us who stood up and spoke out, history will judge us right as well.

That is all that matters because when you stand up here, you can speak and you can vote. That is about it on the Senate floor. And sometimes you lose. But it doesn't mean you shouldn't be heard. It doesn't mean you are always wrong when you lose. It doesn't mean you are always right, either.

The recent release of the State Department's annual human rights report states that China's human rights record has worsened, not improved. Are these the actions of a country that we believe are going to curb their dismal record of missile and weapons of mass destruction proliferation, atrocious human rights violations, or honor their trade agreements signed with the United States?

Quite frankly, actions speak louder than words—a trite expression. China has not even attempted to clean up its act. As Congress has debated this issue this year, they have not even attempted to clean it up because they know what the result will be. They have known all along: Free and open trade, and reduced vigilance. Free trade will facilitate the proliferation of technologies and systems for weapons of mass destruction and the means to deploy them. Make no mistake about it. Free and open trade, permanent normal trade relations with the Chinese, will foster the ability of this nation, China, to send weapons of mass destruction around the world, and the means to deploy them. We should speak up on the Senate floor about it. Frankly, we should adopt the Thompson amendment. If that means it defeats PNTR, good.

The same technologies that create Chinese space threats to the U.S. also enhance Chinese capabilities. We in Congress should not stand by passively and watch that happen, either.

Voting against the Thompson amendment will send a green light to Red China to continue to destabilize regions already mired in centuries-old conflicts. China's proliferation activities have sparked a nuclear arms race on the Indian subcontinent and have assisted Iran's nuclear missile programs, not to mention Libya's desire to become a nuclear power—a very comforting thought. The Chinese are helping Libya, Mr. Qadhafi, to become a nuclear power. I am sure that will comfort everyone. Why not? Let's help

them. Let's feed them. Let's trade with them. Let's treat them as if they are a nice nation that does not do any of this; ignore it all, and let Libya be a nuclear power. That will be nice.

It is time that this body takes action. I urge Members to reconsider. Those of you who believe that THOMPSON is wrong, I urge you to reconsider that in the face of this debate.

It would seem that the main argument against these and every other amendment that is being offered is that since it was not in the House bill, as I said before, then we can't have it in the Senate bill. That, frankly, is an insult to all of us in the Senate. We have an obligation, as I said, to amend if we want to.

The proponents argue there can be no conference; that is, don't have the House and Senate sit down to work out any deal. That takes too much time. That is too much trouble. We just want to pass what the House sent over, even though they amended it.

Are the proponents suggesting that the Senate will not ask for any more conferences between now and the end of the session on any bill? Are we going to conference appropriations bills?

We do 13 conferences usually on appropriations bills. But we can't do a conference on permanent normal trade relations with China? That is the process. The process calls for conferences between the House and the Senates. Even if we conceded that it was too late for a conference, the suggestion that a conference is needed is totally inconsistent with our framework of government.

When we pass a bill, it does not go to conference. It goes to the House. We all know that. If the Senate—given the overwhelming support for PNTR in this body—approves some commonsense modifications, then those amendments would eagerly be accepted by the House. It would not be a big deal. If there is an argument over it, fine. We settle the argument, as we do in every conference.

So if we amend the bill, it goes to the House. It takes no time. The clerk engrosses the amendments and sends it over. We can pass an amended bill at lunchtime, have it passed in the House in time for the Members to be home for dinner; President Clinton wakes up in the morning, has a little breakfast, and signs the bill. Over and done with.

What is the big deal? We make things too complicated around here. Frankly, they are phony arguments, as if this conference is going to take decades to finish. We are going to finish the conference. The fact that we might add a couple of amendments, whether it is proliferation or anything else, to this bill and that it is going to delay the conference and somehow mess up PNTR is nonsense, total nonsense.

I taught history. I taught civics. I taught how a bill becomes law. I have been on conferences. I am on two right now, the Department of Defense and the Water Resources Development Act.

I can assure you, those bills are much larger and have many more time-consuming issues than this one. But I might ask you, are those bills any more important than this one? I don't think so. So why, then, are we conferring them and not wanting to conference here?

Some have argued that the annual debate over whether to renew this was counterproductive. I would argue that it served as one of the few constraints on Chinese behavior. The fact that we had this debate in the Senate is good. At least China knows there are some of us who are concerned about it.

If we yield permanent MFN on PNTR to China, then we forever relinquish one of the few tools we have to foster change in China, which is our agricultural leverage. Unfortunately, since 1989, when MFN was once again renewed despite the carnage at Tiananmen Square witnessed by the rest of the world, the Chinese came quickly to understand that the U.S. Government valued its trading relationship with China above all else. It is a fact; that is how they view it.

What is of greatest concern is that a majority in Congress, like the CEOs of many major companies, appear to be mesmerized by this mythical Chinese market and are willing to ignore the egregious conduct. China's conduct should have, at a minimum, postponed China's admittance in the WTO. It is the kind of conduct you cannot ignore. You cannot ignore the atrocities that are occurring in this country. We don't have to ignore it. We can pass amendments to PNTR that highlight those atrocities in an effort to leverage the Chinese to stop it. I will get into some of those in a moment.

We are familiar with the 1996 campaign finance scandal where millions of dollars were delivered from China through conduits in an attempt to buy the White House. It was a big embarrassment for our country. We know that China plundered nuclear secrets from our national labs and that in fact, according to our own intelligence agencies, Chinese agents continued to steal that technology in the United States, including from DOE labs. This is happening. Countless news articles have underscored China's dangerous proliferation of missile technology and weapons of mass destruction to rogue regimes all over the world. As I said, two Sovremenny-class destroyers equipped with Sunburn missiles, these missiles were specifically designed to defeat our Aegis system and our carrier battle groups. That is the specific purpose of this class of destroyers. This represents a great leap forward on the part of the Chinese Navy and a serious threat to the 7th fleet and our allies in the Pacific. Are we so blinded by trade and the lure of profits that we can't recognize the danger to our strategic vital interests? Are we that blind?

In Hong Kong, only recently turned over to the Chinese Government, news reports over the weekend indicated

that pollsters are being discouraged from reviewing information which shows the declining popularity of Hong Kong's Chief Executive. The Chinese Government has warned businessmen on Taiwan they cannot be pro-independence if they expect to do business with Beijing. The Chinese military on a regular basis truly speaks of invading Taiwan, and the proliferation of missiles aimed at Taiwan lends credibility to this threat. While the Clinton administration rewards Beijing with support for MFN and PNTR and has supported military-to-military exchanges with the People's Liberation Army, it has opposed the Taiwan Security Enhancement Act which seeks to bolster the capabilities of the degraded Taiwanese military and upgrade United States-Taiwan military relations.

Most recently and, frankly, most shamefully, the Clinton administration discouraged members of both parties of Congress from even meeting with the democratically elected leader of Taiwan. What an insult. I just don't understand it. We are going to give permanent normal trade relations to China, sell them our products and feed them, and we are not going to offend them by talking to the leader of Taiwan. We are the world's greatest superpower. The rest of the world, I hope, still views us as the land of liberty and the beacon of freedom. And we are afraid to offend China by talking to the leader of Taiwan? What must they think when the administration denies the freedom of assembly, that all Americans enjoy, to a visiting democratically elected dignitary? Think about that. What signal are we sending? Are we not rewarding the intelligence of the regime in Beijing by snubbing the duly elected leader of the Chinese democracy? It is un-American and it is inexplicable. It just can't be about money because, in fact, we sell more goods to Taiwan than we do to China.

So why are we doing it? If we sell more goods to China than we do to the People's Republic, why are we snubbing the leader of Taiwan? We won't even talk with him. What is it about this administration that makes it so eager to kowtow to Communist leaders?

It may not be an accident. I ask unanimous consent that this be submitted as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES.

VOTE WITH AMERICA'S VETERANS ON MEMORIAL DAY—VOTE "NO" ON PNTR FOR CHINA

DEAR COLLEAGUE: This week the VFW, the Military Order of the Purple Heart and AMVETS, joined the American Legion, and several other veterans organizations in opposition to PNTR for China.

VETERANS ORGANIZATIONS OPPOSED TO PNTR
FOR CHINA

Veterans of Foreign Wars, Military Order of the Purple Heart, AMVETS, The American Legion, United States Army Warrant Officers Association, Reserve Officers Association, Naval Reserve, and Fleet Reserve.

This vote is scheduled just a few days before Memorial Day, a day which honors our armed forces personnel who have given their lives for our freedom. We should heed the voices of our men and women in uniform and America's veterans who are asking us to vote no on PNTR for China.

Sincerely,

FRANK WOLF,
Member of Congress.

Mr. SMITH of New Hampshire. This is from Congressman FRANK WOLF, which is a listing of the organizations opposed to PNTR. It is not an accident that most of the veterans organizations are opposed. They are the folks who have sacrificed. The Legion, Veterans of Foreign Wars, Naval Reserve, Fleet Reserve, Amvets, Order of the Purple Hearts; these are the guys who paid the price. They are not for PNTR. They have a right to talk. They have a right to be heard. They have a right to this debate occurring. They have a right to say to those folks who say let's not debate this, let's just pass it: Sorry, we paid the price; we paid the price to have this debate, and we should have this debate.

I am standing up for the American Legion and the Veterans of Foreign Wars and the Military Order of the Purple Heart and others. I am proud to do it. They are right. They have been right before. They have been right in the past and they are right now.

I conclude on six very brief amendments I have already offered but didn't get an opportunity to speak on the other day because of time constraints.

There is a commission that is created under this permanent normal trade relations bill to monitor certain levels of Chinese cooperation. One of the amendments I introduced last week was called the POW-MIA amendment. The purpose is to monitor the level of Chinese cooperation on the POW-MIA issue and to pass this information on to the American people as part of an annual report the commission will issue. All I am asking is that this be part of the commission's report, that we do a study on this, put it into the report. That is all the amendment is.

I have been a longtime advocate of the POW issue. I believe the U.S. Government should make every effort to account for its missing servicemen in our Nation's conflicts, all of them. I am sure my colleagues would agree that we have a solemn obligation to these brave men and women and their families. There are over 10,000 accounted for American soldiers, airmen, and marines from the North Korean, Vietnam, and cold wars. The fate of many of these Americans, especially from the Korean war, could be easily clarified and determined by the People's Republic of China.

I have written to the People's Republic of China. They have basically ignored my letters. They are not willfully coming forth with information. This is a humanitarian issue. What is wrong with having an amendment that says the Chinese should cooperate and help us account for our missing? Yet

the sponsors of this bill are saying don't vote for the Smith amendment—it is being put around here on all the desks—don't vote for the Smith amendment because it will cause a problem. If we sent it over to the House, the House would have to agree that we should account for our missing POWs, that we ought to ask the Chinese to help us. Don't complicate things, don't put that amendment on.

I hope the American people are listening. Don't complicate PNTR by having China help us find our missing. Really. Unbelievable.

Let me share a small fraction of information that leads me to believe China knows a lot more than they are telling us. It is precisely this type of information that makes it all the more important for the Chinese to cooperate. I know some people say that is just a bunch of baloney, the Chinese don't have any information on POWs and MIAs. There are numerous declassified CIA intelligence reports from the 1950s that indicate Chinese knowledge about American POWs from the Korean war. I will enter all of these in the RECORD, but let me cite a couple of them.

Central Intelligence Agency, May of 1951, subject: American prisoners of war in Canton, China. It goes on to describe the sighting. June 1951, subject: American prisoners of war in South China. It goes on to talk about it. Fifty-two American prisoners were incarcerated in a Baptist church in Canton, on and on. A staff member of the state security bureau in Seoul on 12 February stated—this is 1951—that all American prisoners of war were sent to camps in China, Manchuria, where they were put to hard labor in mines and factories. Documented, and yet they don't give us any answers.

Prisoners of war in Communist China is another subject. In 1961, another report; another report in September 1951. American prisoners of war in Communist China; Chinese student had a sighting.

Whether these are true or not—I make no representation whether or not they are, but they have been brought to our attention. We know the Chinese have information as to what happened to those people. Yet, I repeat: We are told not even to amend PNTR because it is going to cause a couple of minutes of delay over on the House side to conference this and get it in there.

That is a real fine "how do you do" for the people who served our Nation and are now missing Americans. That is a fine "how do you do."

I hope Senators who oppose this amendment can look into the eyes of the families of those prisoners and say: I had to do this because I wanted China's permanent status so badly, I couldn't care less whether I got any information on POWs and MIAs; I am going to be able to look in the mirror quite fine.

I could go on and on through 100 more. I have them. But I am not going to do that.

Secretary Cohen, to his credit, raised this issue with the Chinese during his visit to China last summer at my request. He raised it very forcefully. Once again, the Chinese simply said: We don't have any information on your POWs. And under their breath, as they walked out of the room, they said: What the heck, we have going to get PNTR anyway. Why bother? It is a foregone conclusion.

They make billions and billions of dollars in trade with the United States. Shame on us if we fail to demand that they provide answers on our missing servicemen. Shame on us for the sake of a few minutes in a conference with the House of Representatives—shame, shame, shame, shame.

Three-hundred and twenty-thousand Chinese military personnel served in Vietnam from 1965 to 1970. It seems to me pretty likely that some of those troops could tell us something about what they saw in Vietnam that may account for 1, 2, 3, 10, or 100 of our missing. We need the Chinese to tell us what they know.

Although I am opposed to permanent normal trade relations with China, this amendment would address these concerns. And at least, if it passes, it would be in there so that we would be saying to the Chinese: Here is your PNTR, but at least we care about our missing; help us. No. It might take a few minutes in conference. We can't do that.

The second amendment I offered deals with Chinese companies.

According to the proponents of PNTR, surrendering America's only real leverage to Communist China's actions on a myriad of national security and human rights issues is being heralded as a win-win scenario for the American people and the oppressed Chinese. This not only false, but it is detrimental to the American people and U.S. national security.

In the zeal to gain potential profits in China, we will be surrendering our most useful leverage tool that can be used to redirect China's atrocious human rights, religious persecution, and increasingly belligerent military. The proponents of PNTR have claimed that the Chinese citizens will enjoy economic prosperity and eventually democratic freedoms.

Both of these assumptions are uncertain. However, what is certain and can be tangibly observed right now is that the PLA and their companies—many of them increasingly high-tech in scope—are eagerly anticipating the benefits and profits of increased exposure to American consumers in the United States. It is almost "laugh-out-loud funny" to hear people say those companies in China don't have anything to do with the Government, that they are private companies. Hello. Private companies in China? Maybe you ought to look at the Lippo flow chart, and how all of that works, and find out where it leads. Where does the trail lead to all of these companies? It leads directly to

the People's Liberation Army. That is where it leads—to the Chinese Communist leaders.

Without a doubt, PNTR will facilitate and improve the People's Liberation Army's military capabilities. The profit they will make and the money we are going to provide them in these sales is going to go directly into the technology spread of weapons of mass destruction and improve their military capabilities, which—may God forbid and I hope not—may be used against us in the future.

Experts have concluded that the U.S. trade deficit with China is expected to grow if China wins PNTR. Our deficit will grow. That means more capital for China to modernize its military. That is what it means. Let's face it. Fine. OK. We sell wheat. Great. Sell corn. Great. Enjoy your profits, because let me tell you where it is going: More capital to China to modernize its military.

As PLA companies gain increased access to U.S. high-tech, dual-use technology, they will be able to buy increasingly advanced weapons from Russia and other nations. What they can't build they can buy.

To illustrate, the PLA navy has been aggressively improving its surface fleet by purchasing, as I said earlier, state-of-the-art Sovremenny-class destroyers from Russia. The Chinese military's ability to purchase these types of weapon platforms poses a direct threat to U.S. Navy aircraft carrier battle groups in the Pacific and our friends in Taiwan.

Is there anyone out there listening with a son or a daughter on a military or Navy ship in the South Pacific? You ought to be worried. You ought to be thinking about what your Senators are going to shortly do here. They are going to provide the capability of the Chinese military to knock those carriers and those destroyers right out of the water with the most sophisticated technology known to mankind. We are going to help them do it. We are going to help them do it.

If somebody wants to come down here and debate that and tell me that is not the case, come on down.

Currently the U.S. Navy has no defense—none—against the Sunburn missile which the Sovremenny destroyers of the Chinese military could use against U.S. aircraft carriers with 3,000 or 4,000 people, and some have as many as 6,000 people. It is a vulnerable city out there with your sons and daughters on it, and we are helping them to have the capacity to knock it out.

While many have opted to dismiss the national security risks that will accompany China PNTR, our own intelligence apparatus—that is the worst part of this for me to deal with. Our own intelligence has identified the threat the United States faces from trade. They have told us. It is not an opinion. They have directly told us trading with China threatens our national security. It threatens our na-

tional security, and we still ignore it. Not only do we ignore it, but we are being told not to debate it.

According to the U.S. Defense Intelligence Agency, the PLA has established "sixteen character" policy guiding the mission and profits as companies realize from the sale to U.S. consumers. Specifically, these companies wish to profit from the manufacture of ordinary consumer goods to pay for the development and production of weapons; subsidize and profit from these industries in times when the PLA does not need to use their manufacturing infrastructure to produce defense-related weapons and goods; and to seek foreign trade and investment to modernize its defense infrastructure.

According to reports in the South China Post, the PLA has kept 1,346 companies, dumping thousands that were not profitable for the Chinese military.

Think about that—dumping companies that were not profitable to their own military.

These military-owned companies produce and ship a wide variety of goods to the United States for sale to unknowing American consumers.

What do we do? We say to them: As long as we can sell our corn and our wheat, we don't care. No problem here.

Regrettably, these same U.S. consumers were unaware that the People's Liberation Army goods they purchased in 1989—do you want to know what happened when American consumers purchased goods in 1989? They helped to fund the Chinese Communist Party's brutal crackdown and massacre of the countless pro-democracy demonstrators in Tiananmen Square. That is where the money went.

Currently, President Clinton and his administration have impeded the process by which the United States monitors and keeps track of PLA businesses allowing American citizens to fill the PLA coffers unchecked. The increased trade embodied in PNTR may only contribute to a future of more brutal crackdowns by the PLA and Chinese security forces funded by unknowing American citizens.

I am trying to help American citizens know: Don't do it. Urge your Senators to vote against this.

I propose at the very least that the Senate consider and accept a simple commonsense amendment, which I am offering, which would allow the Defense Intelligence Agency of the United States and the FBI to monitor and report to Congress on the activities and national security assessments and implications where U.S.-consumer-generated money is being directed within the PLA. That is all my amendment asks.

I believe the American people would be aghast if they knew that their hard-earned money was greasing Communist China's brutal crackdowns, dangerous saber-rattling toward the democratic island of Taiwan, and increasing the credibility of the Chinese Communist

Army's weapons of mass destruction as top generals in Beijing threaten to vaporize cities on the American west coast should the U.S. come to the defense of our democratic friends in Taiwan.

That is an eye opener. Not a comforting thought if you live on the west coast.

As this Nation's top decisionmakers, I believe the American people deserve to have a Congress that watches out for their best interests. Sometimes in the short run what one thinks is in the best interests are not the best interests in the long run; it is nice to make a little profit on the sale of food, but look at the long run.

I know I am not supposed to be up here taking all this time to talk about this. "Permanent" is a long time after this debate—a long, long time. Once the damage is done, recovery is going to be difficult.

I have an amendment regarding space and the implication of the Chinese and what PNTR will do to that. Space is of huge importance. Whoever controls the skies in the future, I believe, is the winner in the next war. The U.S. is becoming ever more reliant on space capability, especially in the areas of command and control. While we are ahead of any potential rival in exploiting space, we are not unchallenged, and our future dominance is by no means assured. We have already observed major national efforts to conceal the Indian and Pakistan nuclear tests and the North Korean space launch capability from U.S. space assets. It would be naive to think our adversaries are not considering and capable of a wide range of methods to counter U.S. military muscle in general, and our current space advantage, in particular.

A 1998 report said, one, China is constructing electronic jammers that can be used against our GPS receivers; two, China's manned space program will contribute to an improved military space system.

We hear the argument in the United States, let's not put weapons in space. That is exactly what the Chinese are doing. That is their goal. We will help them do it. We will help them out. Feed them, trade with them, have them make some money, and help them to move right on and get their technology into space while we sit back and argue whether or not we should militarize space.

I will not go into all of the arguments on that other than to simply say this amendment directs the Congressional Executive Commission on the People's Republic of China, which was created in the House language, to monitor—that is all I am asking—a number of important issues so that we can report annually on Chinese space capabilities and the activities that affect the development. All we are asking in this amendment is it be monitored as part of this Commission.

Again, same argument; same old story: Don't waste the Senate's time,

don't amend it. If we amend that we have to confer with the House—it might take a couple of hours, who knows—to come to a conclusion. No amendments. We don't want to delay this. But look at the long-term implications.

Another amendment that I have offered, No. 4, is in the area of environment. I serve as the chairman of the Environment and Public Works Committee in the Senate. I will briefly explain this. In America, if you run a business, there are environmental regulations; strict, EPA-regulated laws that you have to abide by. It costs money. I am not complaining. I think some of the environmental regulations are good. Some have been a little bit too harsh. On the whole, the Clean Water Act, Safe Drinking Water Act, the Clean Air Act, all the bills and laws we have passed through the years have been effective in cleaning our air, lands, and water. I think companies now realize that.

However, it has cost a lot of money. We have accepted it. Why do we want to allow the Nation of China, which we are now giving permanent normal trade relations to, to not enforce any environmental laws? Why do we want to say to China, you can produce a product, dump it on America's market to one-third or one-fourth, or one-tenth of what we can sell it for, and not have to abide by any of the environmental regulations?

China is part of the world. America is part of the world. The atmosphere and the oceans and the land are all part of the globe. Why do we let them off the hook? Why do we punish our people and not even ask that the Chinese be forced to somehow abide with basic environmental laws? That is why we need this amendment. It simply says that the Commission will monitor the lack of environmental regulations and use that as leverage for when we trade with them.

Here again, the same old argument: Let's not debate it. Let's not add it on. Don't vote for the Smith amendment on environmental regulations because we may have to go to conference and it might slow the bill down.

Why is the environment such a disaster in China today? The answer is simple: Because the people in China don't enjoy political and economic freedom. They don't have any choice. They have no choice but to breathe that filthy air. Per capita emissions in China are 75 percent higher than in Brazil which has an economy of similar size. The difference is, communism doesn't work. A prosperous economy and healthy environment can go together. A free people wouldn't consent to this type of environmental disaster. We shouldn't consent to it, either. But we are. We are saying: No problem, don't want to have a conference, don't want to waste any time, don't want to take an extra day or two to add an amendment here that says we will monitor China's lack of environmental

standards and regulations. No problem. We don't want to slow it down.

That is what my amendment does. If you feel it is fine that China continues to pollute at a 75-percent higher rate than any other country in the world, for the most part you don't care, you want to keep right on trading with them and keep on making profits, keep on feeding them, fine.

Former U.N. Ambassador Jeane Kirkpatrick once criticized my colleagues across the aisle on the Democrat side for their tendency to "blame America first," for their belief that there must be something wrong with this great Nation that causes the world's ills.

Keep that in mind when you consider my amendment. If laws such as the Clean Air Act and the Clean Water Act are necessary for the environmental health of this Nation, shouldn't they be beneficial to China as well? Do we really want to make a profit so badly that we are willing to say let those people live in that filth, in that dirty air; let that dirty air move out of China and across the ocean and into other parts of the world? Do we really want to make a profit that badly? If we do, shame on us.

I have two more amendments.

No. 5, one of the most shameful experiences regarding human rights violations in the country of China. I have already heard the argument and been told by colleagues, don't offer this amendment because we don't want to delay the process again. I think the picture that I am showing is not pleasant to look at. I don't like to look at it. But the American people need to see this picture. My colleagues need to see it. This amendment that I am offering seeks to improve the quality of life for orphans such as this little girl who are currently waiting to be adopted out of Chinese orphanages. What a horrible experience, to be a child in a Chinese orphanage.

What are we saying? No problem, no problem, that is China. We need to sell our wheat, man. We need to sell our corn. We need to make a profit. We will just ignore that. That will take care of itself. Don't worry.

What would happen if that was an orphanage in the United States? We all know what would happen, and justifiably so; it would be shut down. The Government would be in there like hornets, as well they should be.

But we are not going to worry about it, it is China, it is not our country.

We can't shut their orphanages down. I am not proposing to do that. But we can monitor it and we can say to the Chinese if PNTR passes, you keep this up and we are not going to trade with you.

But, oh no, that might mess up the deal. This amendment would encourage the Chinese Government to provide specific data such as the survival rates of orphans—like this young lady, certify that orphans are receiving proper medical and nutritional care, and show that all efforts are being made to help

the children—particularly those with special needs, who are the ones who are the most punished in these orphanages—to be adopted into loving homes by way of Chinese international or U.S. adoption agencies.

How can we ignore this? How can anybody in good conscience say: Senator SMITH, you are right, this is a terrible atrocity but we are not going to put this on the bill because it might delay the bill and it might cause a problem with the Chinese and we might not get PNTR passed. How can you say that?

The conditions of millions of orphans in China are deplorable, just like this. Many Chinese people want—and frankly feel they need—to have a baby boy with the expectations that a son will take care of them when they are old. A son carries the family name. It is considered honorable to have a son. Not so with a girl. A girl is expected to grow up and leave the family with her husband and will not care for her parents when they are old. If a Chinese woman bears a baby girl, many times they will drop her off anonymously at an orphanage, abandon her, kill her outright, or throw her into the garbage. Or even worse, as I think Senator HELMS is going to talk about shortly—abort the child without the consent of the mother.

It is unbelievable what these little children suffer. Some are lucky and they get adopted, but believe me, not many. Americans have adopted 20,000 Chinese baby girls. Some babies leave China for America every month. However some of these little girls and baby boys with special needs are left to languish and die in dark rotting rooms in state-run orphanages in China.

How can you ignore it? How can you come down here and say we are going to ignore all this and give them permanent normal trade relations?

One of my constituents, a young couple, came to me a few months ago. They were here on a green card. They said: Senator, if I go back, I am pregnant, they have told me they are going to abort my child. I want my child.

One of the greatest experiences I have ever had was crying with them when we got their deportation blocked and she had that baby right here in America. You cannot ignore this kind of horrible atrocity.

Many of these babies were not even fed or given water. Some are starved to death. Why is it so bad? Why is it so harmful, I plead with my colleagues, to say let's ask the Commission to report on this in PNTR? It is not so bad. Is that so terrible that maybe the House has to agree with me and the conferees have to agree and send it back over for another 5 minutes of debate? Really?

This baby girl is Mei-Ming. Do you know what Mei-Ming means in China? "No name." She was discovered in one of these orphanages in 1995 and, according to the orphanage staff, Mei-Ming became sick. They had no medication for her—none. So they put her in a

back room under a pile of clothes and they shut the door.

This is a picture of her at 10 days without food or water—in an orphanage. She lived another 4 days just like this and then she died. The orphanage denied that she even existed. They said she was never there, this Chinese Government that allows this, the Government that allows this to take place.

The only remaining memory of Mei-Ming—let's hold it up here—the only remaining memory of Mei-Ming is this photograph right here. I say to my colleagues, in the name of Mei-Ming: Please, agree to this amendment; agree to this amendment. Let the House take a few minutes to add language in there that the Commission, in the name of Mei-Ming, could report on this kind of atrocity as you reap your profits. Is that asking too much?

Some orphanages in the 1990s had death rates estimated as high as 90 percent. I have heard reports that, since the public scrutiny of the last decade, the conditions in the Chinese orphanages have improved. I would like to thank the Chinese Government if that is, indeed, true. But it would be nice to have this as part of the language, to find out.

The last amendment and then I will not delay the Senate any longer, Senator BOB SMITH will no longer hold up the Senate business, you will be able to pass PNTR, ignore all these things, ignore all the amendments and we will be able to move on and make our profits. Just a few more minutes.

Organ harvesting in the People's Republic of China. You think that's bad? It is bad. Let me tell you about organ harvesting.

In America what organ harvesting means is in America you are willing to donate your kidney to your sister or brother or mother or dad; or your heart when you die in an accident you give so someone else may have life. That is organ donors.

Organ harvesting in the Peoples Republic of China, sponsored by this Chinese Government that we are so hellbent to help—let me tell you what they do. They take prisoners—we are not talking about murderers here, we are talking about prisoners who have, for the most part sometimes minor crimes—and they take their organs so they can place them in the military officers or other high, important people in the Communist hierarchy.

In 1997, ABC News televised a very shocking documentary on the practice of organ harvesting in Communist China. The documentary—this is ABC, now, not BOB SMITH talking—depicted prisoners who were videotaped lined up, executed by a bullet to the head—a technique of execution which unlike lethal injection preserves the organs for harvesting.

Don't tell me it doesn't go on and don't tell me you are going to ignore it, because it goes on, it happens. Probably right now as we speak. This documentary claimed that prisoners are ex-

ecuted routinely and their organs are sold to people willing to pay as much as \$30,000 for a kidney. Human rights organizations estimated at the time the ABC documentary aired, that more than 10,000 kidneys alone—not to mention other organs—from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars. Guess where those dollars went? To the Chinese military. That is where the money went.

The Chinese Government, as it does with most human rights abuses, denies that this happens. My amendment simply requires the commission, under permanent normal trade relations, to monitor this, to try to secure as much information as they can so they can report on it annually as we continue the process under PNTR.

It is important to keep in mind that China has no rule of law, therefore prisoners are subject to arbitrary arrest and punishment without any due process. Can you imagine a young man or woman being arrested, not told what they are charged with, because there is a need for an organ, to be shot in the head, executed with no due process, no trial, and then their organs are donated to somebody who is willing to pay \$30,000 to the Communist Chinese Government.

Pretty bad. After the Tiananmen Square massacre in 1989, when peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed over by PLA tanks, there are far fewer dissidents in China than there were 11 years ago. It is pretty tough to speak up against China. Do you want to go to jail for publicly speaking out against the Government? That is the good news. The bad news is you will be shot in the head and your kidneys, your heart, and other organs will be donated to somebody in the Chinese military.

ABC's report also found that Chinese nationals living on student visas were harvesting these organs to Americans. Hello? That is right, harvesting these organs to Americans and other foreigners who have the funds to make a \$5,000 deposit, who then travel to China to the PLA, People's Liberation Army, hospital where they receive the kidney transplant. The kidneys are tissue typed, and the prisoners are also tissue typed in order to achieve an ideal match.

Can you imagine the horror of being thrown in jail for a political crime—speaking out against the Government, perhaps—and having your tissue samples taken, knowing full well what it is for, then to be summarily shot and your kidneys sold perhaps to an American? There is no way anyone in the Senate or the House would not recognize the name of Harry Wu, the renowned human rights activist and Chinese dissident who was arrested in China, detained, and finally released. Thanks to the work of the Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ

harvesting of executed prisoners. I will not go into any more detail on this.

In conclusion, we are talking about the most unbelievable and atrocious violation of human rights. I have just identified six. There are dozens more. I did not want to come down and offer 40 amendments. I believe I made my point. I had about 20 of them identified, and we were looking at another 20 more, but I said I am going to take some of the worst. I do not support PNTR, but all I am asking is for those of who do, allow these amendments—the proliferation amendment of Senator THOMPSON and the other six amendments I have outlined, and maybe others as well. Allow them to pass. What harm does it do? Take a few minutes and go to conference for the sake of people such as this little girl or somebody right now who may be fattened up for execution for kidneys.

It is time that America wakes up and understands what is happening in the world. I know some are going to say this is Smith again beating on China. It is not a matter of beating on China. These are facts. These are not opinions. These are facts. These are documented. Every single thing I read to you, every single thing I said to you is documented from proliferation to organ harvesting. It is documented.

The issue before the Senate when we vote on PNTR and on these amendments is very simply this: I am against PNTR and not going to vote for any of it, which is fine, that is my position. Or I am for PNTR and I am willing to pass these amendments to at least monitor these kinds of atrocities in an effort to stop them.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so the Senator from South Carolina can call up four amendments. They are short. I thank the distinguished Senator from Tennessee and the distinguished Senator from New York, the manager of the bill. It is not my purpose to debate these amendments but to call them up so they can be printed in the RECORD. I will not consume over 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is laid aside.

AMENDMENTS NOS. 4134 THROUGH 4137, EN BLOC

Mr. HOLLINGS. Mr. President, I call up four amendments which are at the desk, and I ask the clerk to report them.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:.

The Senator from South Carolina [Mr. HOLLINGS] proposes amendments numbered 4134 through 4137, en bloc.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 4134

(Purpose: To direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10-K reports)

At the appropriate place, insert the following:

SEC. . FOREIGN INVESTMENT INFORMATION TO BE INCLUDED IN 10-K REPORTS.

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

AMENDMENTS NO. 4135

(Purpose: To authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit)

At the appropriate place, insert the following:

SEC. . BALANCE OF TRADE WITH CHINA IN CEREALS AND SOYBEANS.

(a) IN GENERAL.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

(b) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (a) for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(c) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (a).

AMENDMENT NO. 4136

(Purpose: To authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit)

At the appropriate place, insert the following:

SEC. . BALANCE OF TRADE WITH CHINA IN ADVANCED TECHNOLOGY PRODUCTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The trade deficit with the People's Republic of China in advance technology products for 1999 was approximately \$3.2 billion.

(2) The trade deficit with the People's Republic of China in advance technology products for 2000 is projected to be approximately \$5 billion.

(b) REPORT.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data becomes available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products for the previous year.

(c) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (b) in excess of \$5 billion for any year, the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(d) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (b).

AMENDMENT NO. 4137

(Purpose: To condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications)

At the appropriate place, insert the following:

SEC. . RISK INSURANCE CERTIFICATIONS.

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by law, regulation, or rule, neither the Export-Import Bank of the United States nor the Overseas Private Investment Corporation may provide risk insurance after December 31, 2000, to an applicant unless that applicant certifies that it—

(1) has not transferred advanced technology after January 1, 2001, to the People's Republic of China; and

(2) has not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

Mr. HOLLINGS. Mr. President, the first amendment to H.R. 4444, No. 4134, has to do with jobs and the trade deficit. It says:

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information and 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture, or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

It is not a burdensome amendment. They report where they are working and the number of employees in those countries. I was intrigued by the report from the National Association of Manufacturers that came out today. I quote from it:

Of the total \$228 billion U.S. merchandise trade deficit so far this year, 77 percent has been in manufacturing.

We are losing our manufacturing capacity, and as Akio Morita, the former head of Sony, said some years back, the world power that loses its manufacturing capacity will cease to be a world power.

The second amendment has to do with technology and the export of technology. Our distinguished Ambassador engaged in the conduct of trade, Ambassador Barshefsky, said before the press and the Finance Committee:

The rules put an absolute end to forced technology transfers.

This particular amendment is to then monitor that statement:

The Congress makes the following findings:
(1) The trade deficit with the People's Republic of China for . . . 1999 was approximately \$3.2 billion.

It is estimated that it will be \$5 billion this year. So beginning with the first business day of January 2001 and thereafter, "the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products"

If the President reports a trade deficit in favor of the People's Republic of China . . . in excess of \$5 billion—

I want to be realistic; it probably will get to that \$5 billion this year—

the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate that imbalance.

And, of course, report.

I ask unanimous consent to print in the RECORD an article entitled "Raising the Technology Curtain."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Financial Times (London), August 16, 2000

RAISING THE TECHNOLOGY CURTAIN: CHINA'S BURGEONING HIGH-TECH SECTOR IS SQUEEZING OUT US IMPORTS

(By Ernest Hollings and Charles McMillion)

The US faces sharply worsening deficits with China in the trade of crucial advanced technology products. Moreover, these losses are accelerating and spreading to new products even after China's tariff cuts and official promises regarding the protection of intellectual property and an end to technology transfer requirements.

Although high-tech companies are enthusiastically lobbying to end the annual negotiation and review of China's trade status—a vote in the US Senate is expected in Sep-

tember—they could be big losers if US trade law and commercial leverage is permanently forsaken in dealings with China's unelected rulers.

Advanced technology products have represented a rare, consistent source of earnings for the US: during the last decade alone the surplus in global sales is Dollars 278bn.

During the same period, US trade deficits with China totaled Dollars 342bn, and have worsened sharply each year. That has occurred in spite of numerous agreements with China to end the obligatory transfer of technology from US companies to their Chinese counterparts, to protect intellectual property and to assure regulatory transparency and the "rule of law". Failure to implement these agreements goes a long way in explaining why the total US deficit with China has doubled from Dollars 33.8bn in 1995 to Dollars 68.7bn in 1999.

The US also lost its technology trade surplus with China in 1995 and has suffered deficits in this area every year since then. Last year, US technology exports to China fell by 17 percent while imports soared by 34 percent. The record Dollars 3.2bn technology trade deficit in 1999 may reach Dollars 5bn this year as technology imports now cost twice as much as US falling exports.

Quite simply, China is developing its own export driven high-tech industry with US assistance.

A recent Department of Commerce study found that transferring important technologies and next-generation scientific research to Chinese companies is required for any access to China's cheap labor force or market. Three of the most critical technology areas are computers, telecommunications and aerospace.

The US lost its surplus in computers and components to China in 1990 and now pays seven times as much for imports as it earns from exports.

Compaq and other foreign computer brands dominated the Chinese market a decade ago but now are displaced by local companies such as Legend, Tontru and Great Wall that are also beginning to export.

After 20 years of "normal" trade relations with China, no mobile phones are exported from the US to China. Indeed, US trade with China in mobile phones involves only the payment for rapidly rising imports that now cost Dollars 100m a year.

China has total control of its telephone networks, recently abrogating a big contract with Qualcomm. Motorola, Ericsson and Nokia sold 85 percent of China's mobile phone handsets until recently. But last November China's Ministry of Information and Industry imposed import and production quotas on mobile phone producers and substantial support for nine Chinese companies. The MII expects the nine to raise their market share from the current 5 percent to 50 percent within five years.

The US now has a large and rapidly growing deficit with China in advanced radar and

navigational devices. Nearly half of all US technology exports to China during the 1990s were Boeing aircraft and 59 percent were in aerospace. But according to filings by the Securities and Exchange Commission, Boeing's gross sales to—and in—China have generally fallen since 1993. The first Chinese-made Boeing MD90-30 was certified by the US Federal Aviation Administration last November with Chinese companies providing 70 percent local content.

More troubling, with the help of Boeing, Airbus and others, China has developed its own increasingly competitive civilian and military aerospace production within 10 massive, state-owned conglomerates and recently announced a moratorium on the import of large passenger jets.

China is a valuable US partner on many matters but it is also a significant commercial competitor. Experience in the US with deficits worsening after tariff cuts and other agreements shows this is not the time to abandon strong US trade laws but rather to begin to apply them, fairly but firmly. Since 42 percent of China's worldwide exports go to the US—and their value is equal to China's total net foreign currency earnings—the US certainly has the commercial means to enforce fair trade laws.

That is the type of real world engagement that can help to assure both peace and prosperity for the two countries in the future.

Mr. HOLLINGS. Mr. President, the next amendment is the Export-Import Bank:

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by . . . the Export-Import Bank . . . or the Overseas Private Investment corporation

The applicant, in making those applications before those entities, will certify that they have not transferred advanced technology after January 1, 2001, to the People's Republic of China, and, two, have not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

With more time, I can go into the reason for it. I only want to substantiate what the distinguished Ambassador said.

Finally, the fourth amendment has to do with agriculture. I ask unanimous consent to print in the RECORD a schedule of commodity groupings of the trade balances with the People's Republic of China in the years 1996, 1997, 1998, and 1999.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES AGRICULTURAL TRADE BALANCE WITH CHINA

HS Community groupings	In millions of dollars each year—			
	1996	1997	1998	1999
Total Agricultural Trade Balance	\$1,512	\$937	\$615	—\$218
01 Live Animals	6.2	6.1	4.3	3.9
02 Meat And Edible Meat Offal	64.2	61.8	53.4	58.3
03 Fish And Crustaceans, Molluscs, Other Aquatic	—179.5	—181.2	—228.9	—266.6
04 Dairy Produce; Birds' Eggs; Honey; Edible	—28.2	—16.8	—11.6	—14.8
05 Products Of Animal Origin, Nesi	—65.2	—77.3	—96.2	—93.7
06 Live Trees And Other Plants; Bulbs, Roots	—6.2	—2.7	—2.5	—3.7
07 Edible Vegetables And Certain Roots, Tubers	—34.5	—36.8	—48.9	—55.8
08 Edible Fruit And Nuts; Peel Of Citrus Fruit	—20.1	—20.5	—13.3	—30.6
09 Coffee, Tea, Mate And Spices	—35.6	—38.8	—45.9	—43.1
10 Cereals (Wheat, Corn, Rice)	43.4	90.1	39.6
11 Milling Industry Products; Malt; Starches; Inulin;	—2.8	—3.3	—1.4	—1.2
12 Oil Seeds; Oleaginous Fruits; Misc Grain (Soybeans)	366.7	355.1	224.6	288.1
13 Lac; Gums; Resins And Other Vegetable Saps	—33.3	—49.4	—70.3	—44.9
14 Vegetable Plaiting Materials And Products	—4.4	—1.2	0.2	0.5
15 Animal Or Vegetable Fats And Oils (Soy Oil)	106.1	160.1	310.3	67.9
16 Edible Preparations Of Meat, Fish, Crustaceans	—23.6	—24.4	—22.6	—69.9

UNITED STATES AGRICULTURAL TRADE BALANCE WITH CHINA—Continued

	In millions of dollars each year—			
	1996	1997	1998	1999
HS Community groupings				
17 Sugars And Sugars Confectionary	-4.8	-7.9	-8.1	-7.8
18 Cocoa And Cocoa Preparations	-32.4	-42.4	-29.2	-15.2
19 Preparations Of Cereals, Flour, Starch Or Milk	-17.7	-16.1	-20.7	-23.1
20 Preparations Of Vegetables, Fruit, Nuts	-133.6	-146.2	-136.6	-118.9
21 Miscellaneous Edible Preparations	-9.1	-10.3	-8.4	-17.1
22 Beverages, Spirits And Vinegar	-6.1	-6.5	-6.4	-6.6
23 Residues And Waste From Food (Soy Residues)	131.2	103.4	187.1	25.7
24 Tobacco And Tobacco Substitutes	-7.4	-4.2	-4.3	-2.7
41 Raw Hides And Skins	115.6	134.5	157.4	126.3
520 Cotton: Not Carded/Combed	728.3	575.9	118.4	-12.3

Source: U.S. Department of Commerce, Bureau of the Census and MBG Information Services.

Mr. HOLLINGS. Mr. President, amongst all articles, you can see, generally speaking, China has a glut in agriculture. Their problem, of course, is transportation and distribution. But there is no question that once that problem is solved, that 7800 million farmers can certainly outproduce, if you please, the 3.5 million farmers in the United States.

All of the farm vote is in strong support of PNTR because they think, of course, it is going to enhance their agricultural trade. The fact is there are only a few here—the significant ones—and I have picked those out; cereals—wheat, corn, rice—and soybeans. Yes, there is a plus balance of trade in the cereals—wheat, corn, and rice—but it has gone from 440 million bushels down to 39 million bushels. With soybeans, it has gone from 366 million bushels, in the 4-year period, down to 288 million bushels.

So this particular amendment states that beginning on the first day of next year:

[T]he President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

If the President reports a trade deficit in favor of the People's Republic of China . . . for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

The President shall [also] report to the Congress the results of those negotiations

In a line last week, I saw the Prime Minister of Great Britain at the conference in New York. He was all stirred and upset with respect to 1,000 cashmere jobs in the United Kingdom. He was really going to bat for them. The story had his picture politicking, trying to convince the United States in particular not to take retaliatory action against his 1,000 cashmere jobs.

Here I stand, having lost 38,700 textile jobs in the State of South Carolina since NAFTA—over 400,000 nationally. According to the National Association of Manufacturers, we are going out of business. And I can't get the attention of the White House and I can't get the attention of Congress.

I thank the distinguished Senator from New York for permitting me to have these amendments called up and printed, and then, of course, obviously

set aside. Let me take my turn in behind the distinguished Senator from Tennessee and the Senator from West Virginia. The Byrd amendment is up, and I think several others. I will take my turn.

But I want my colleagues to look at these reasonable, sensible, pleading kind of amendments so that we can fulfill, as a Congress, under the Constitution, article 1, section 8: The Congress of the United States shall regulate foreign commerce.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me say again that I think we have made good progress. We have had good debate on both sides of the underlying China PNTR bill, and also on the amendments. But we are reaching the point where we really need to pick that speed up. We need to get an agreement on what amendments will be offered, time agreements for them to be debated, and votes. And we ought to do it tomorrow. Without that, certainly we will have to file cloture; and I may have to anyway. But I think the fair thing to do is give everybody who is serious a chance to offer amendments, have a time for debate on both sides, and then have votes.

I am going to try to get that started with this request. And we may have other requests. We are working on both sides of the aisle to identify amendments that really must be moved.

I just want to say to one and all that in the end we are going to get the bill to a conclusion. It is going to pass. We have been fair to everybody. But it is time now we begin to get to the closing. With a little help, we can finish this bill Thursday, or Friday, or, if not, early next week. I just have to begin to take action to make that happen so we can consider other issues.

I ask unanimous consent that a vote occur on or in relation to the pending Thompson amendment at 11 a.m. on Wednesday, and the time between 9:30 and 10:30 be equally divided in the usual form, and that no second-degree

amendments be in order prior to the vote in relation to the amendment.

I further ask unanimous consent that a vote occur on the pending Byrd amendment immediately following the 11 a.m. vote and there be time between 10:30 and 11 a.m. for closing remarks on that amendment to be equally divided in the usual form.

Before the Chair rules, I want to say that if any objection is heard to this agreement, we will attempt to set two votes tomorrow on these or other issues beginning at 11 a.m.

Therefore, there will be no further votes this evening, and votes will occur at 11 a.m.—hopefully including the Thompson amendment in those 11 o'clock votes. But if there is a problem with that, then we will ask consent to put in place two of the other amendments.

With that, I ask the Chair to put the request to the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, I have a great deal of respect for Senator THOMPSON and the issues he has raised. The problem is these issues fit more closely on the Export Administration Act. They have not been considered in committee. I think they represent a very real problem in this bill. I think it is important that if we are going to debate issues such as this, they be not just fully debated but they be subject to amendment.

On that basis, let me yield. Senator ENZI wants to be recognized.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, reserving the right to object, there isn't just an amendment that is being put on. It is an entire bill—33 pages—of very important information that has been changed each and every time we have seen a copy. My staff and I on the International Trade Subcommittee of the Finance Committee have been working on these issues for a long time. We have tried to take this moving target and worked on some amendments that could be put on it. It would need to be extensively amended to keep both national security and industry moving forward in the United States.

On that basis, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I believe there will be another consent request